
This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Counsel without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. 131 (S.25). An act relating to regulating consumer products containing perfluoroalkyl and polyfluoroalkyl substances or other chemicals

Subjects: Health; public health; chemicals; PFAS; cosmetic products; artificial turf; menstrual products; textiles; juvenile products; cookware

Sec. 1 establishes a new subchapter in 9 V.S.A. chapter 63 that prohibits a manufacturer from selling, offering for sale, distributing for sale, or distributing for use in this State any cosmetic or menstrual product containing certain chemicals or chemical classes, including perfluoroalkyl and polyfluoroalkyl substances (PFAS). It prohibits a manufacturer from knowingly selling, offering for sale, distributing for sale, or distributing for use in this State any cosmetic or menstrual product containing 1,4-dioxane at or exceeding 10 ppm and authorizes the Department of Health to adopt rules prohibiting a manufacturer from selling, offering for sale, distributing for sale, or distributing for use in this State any cosmetic or menstrual product containing intentionally added formaldehyde-releasing agents.

Sec. 2 adds three additional regulated chemicals to those listed in Sec. 1 of the act, effective July 1, 2027. It further prohibits a manufacturer from knowingly selling, offering for sale, distributing for sale, or distributing for use in this State any cosmetic or menstrual product containing lead or lead compounds at or exceeding 10 ppm.

Sec. 3 establishes a new subchapter in 9 V.S.A. chapter 63 regulating the sale and distribution of various consumer products containing PFAS. Several of the consumer products regulated under the new subchapter were historically regulated under existing State law and this act recodifies those provisions from Title 18 to Title 9 (e.g., rugs, carpets, aftermarket stain and water resistant treatment, and ski wax). This section imposes restrictions on the sale and distribution of previously unregulated consumer products containing PFAS, including artificial turf, incontinency products, juvenile products, cookware, and textiles.

Sec. 4 amends the definition of “apparel” to include “outdoor apparel for severe wet conditions” in 9 V.S.A. § 2494e(2), effective July 1, 2028. Sec. 5 amends the definition of “regulated PFAS” in 9 V.S.A. § 2494e(15) to replace “100” ppm with “50” ppm, effective July 1, 2027.

Sec. 6 recodifies in Title 9, with some modifications, statutes pertaining to PFAS in firefighting agents and equipment. Similarly, Sec. 7 recodifies in Title 9, with some modifications, statutes pertaining to chemicals of concern in food packaging.

Sec. 8 directs the Department of Health to submit a community engagement plan to the General Assembly related to the regulation of chemicals in cosmetic and menstrual products. The plan must provide education to the general public and address the unique impact of regulated products in marginalized communities by providing use of language access services, participant compensation, and other resources supporting equitable

opportunities for participation. The plan must also outline the methodology and costs to conduct outreach for the purposes of identifying cosmetics of concern, including those marketed to or utilized by marginalized communities; conduct research on the prevalence of harmful ingredients within cosmetic products; and create culturally appropriate public health awareness campaigns.

Sec. 9 directs the Agency of Natural Resources to propose a program requiring the State to identify and restrict the sale and distribution of consumer products containing PFAS that could impact public health and the environment. Specifically, the proposed program shall include a process by which manufacturers determine whether a consumer product contains PFAS and how that information is communicated to the State; address how information about the presence or lack of PFAS in a consumer product is conveyed to the public; describe which State entity is responsible for administration of the proposed program; propose a public service announcement and website content about the public health risk of PFAS exposure; and provide recommendations for the regulation of PFAS within consumer products that use recycled materials.

Sec. 10 repeals various provisions from Title 18 on the date on which similar provisions are enacted in Title 9.

Sec. 11 specifies that if, upon a manufacturer's showing, the Office of the Attorney General (AGO) determines that it is not feasible to produce a particular consumer product regulated in this act by the relevant effective date, the Attorney General may postpone the compliance date for up to one year. If the Attorney General postpones a compliance date, the AGO shall post notification of the postponement on its website.

Sec. 12 directs the Department of Health to observe and evaluate Washington's experience of implementing a one part per million limit on the presence of lead in cosmetic products and present the Department's findings to the relevant standing committees of the General Assembly.

Multiple effective dates, beginning on July 1, 2024