

1 S.25

2 An act relating to regulating cosmetic and menstrual products containing  
3 certain chemicals and chemical classes and textiles and athletic turf fields  
4 containing perfluoroalkyl and polyfluoroalkyl substances

5 It is hereby enacted by the General Assembly of the State of Vermont:

6 \* \* \* Chemicals in Cosmetic and Menstrual Products \* \* \*

7 Sec. 1. 18 V.S.A. chapter 36 is added to read:

8 CHAPTER 36. CHEMICALS IN COSMETIC AND MENSTRUAL  
9 PRODUCTS

10 § 1721. DEFINITIONS

11 As used in this chapter:

12 (1) “Bisphenols” means any member of a class of industrial chemicals  
13 that contain two hydroxyphenyl groups. Bisphenols are used primarily in the  
14 manufacture of polycarbonate plastic and epoxy resins.

15 (2) “Cosmetic product” means articles or a component of articles  
16 intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or  
17 otherwise applied to the human body or any part thereof for cleansing,  
18 promoting attractiveness, or improving or altering appearance, including those  
19 intended for use by professionals. “Cosmetic product” does not mean soap,  
20 dietary supplements, or food and drugs approved by the U.S. Food and Drug  
21 Administration.

22 (3) “Formaldehyde releasing agent” means a chemical that releases

1 formaldehyde.

2 (4) “Intentionally added” means the addition of a chemical in a product  
3 that serves an intended function in the product component.

4 (5) “Manufacturer” means any person, firm, association, partnership,  
5 corporation, organization, joint venture, importer, or domestic distributor of a  
6 cosmetic or menstrual product. As used in this subdivision, “importer” means  
7 the owner of the product.

8 (6) “Menstrual product” means a product used to collect menstruation  
9 and vaginal discharge, including tampons, pads, sponges, menstruation  
10 underwear, disks, applicators, and menstrual cups, whether disposable or  
11 reusable.

12 (7) “Ortho-phthalates” means any member of the class of organic  
13 chemicals that are esters of phthalic acid containing two carbon chains located  
14 in the ortho position.

15 (8) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a  
16 class of fluorinated organic chemicals containing at least one fully fluorinated  
17 carbon atom.

18 (9) “Professional” means a person granted a license pursuant to  
19 26 V.S.A. chapter 6 to practice in the field of barbering, cosmetology,  
20 manicuring, or esthetics.

1     § 1722. PROHIBITED CHEMICALS IN COSMETIC AND MENSTRUAL  
2             PRODUCTS

3             (a) A manufacturer, supplier, or distributor shall not manufacture, sell,  
4             offer for sale, distribute for sale, or distribute for use in this State any cosmetic  
5             or menstrual product to which the following chemicals or chemical classes  
6             have been intentionally added in any amount:

7             (1) Ortho-phthalates;

8             (2) PFAS;

9             (3) Formaldehyde (CAS 50-00-0) and formaldehyde releasing agents;

10            (4) Methylene glycol (CAS 463-57-0);

11            (5) Mercury and mercury compounds (CAS 7439-97-6);

12            (6) 1, 4-dioxane (CAS 123-91-1);

13            (7) Isopropylparaben (CAS 4191-73-5);

14            (8) Isobutylparaben (CAS 4247-02-3);

15            (9) Lead and lead compounds (CAS 7439-92-1);

16            (10) Asbestos;

17            (11) Aluminum salts;

18            (12) Triclosan (CAS 3380-34-5);

19            (13) m-phenylenediamine and its salts (CAS 108-42-5); and

20            (14) o-phenylenediamine and its salts (CAS 95-54-5).

21            (b) A cosmetic or menstrual product made through manufacturing

1 processes intended to comply with this chapter and containing a technically  
2 unavoidable trace quantity of a chemical or chemical class listed in subsection  
3 (a) of this section shall not be in violation of this chapter on account of the  
4 trace quantity where it is the result of:

5 (1) natural or synthetic ingredients;

6 (2) the manufacturing process;

7 (3) storage; or

8 (4) migration from packaging.

9 (c) The manufacturer of a cosmetic or menstrual product containing 1,4  
10 dioxane, lead, lead compounds, or any combination of these chemicals may  
11 apply to the Department of Health for a one-year waiver from subsection (a) of  
12 this section. The Department shall only approve a waiver application in which  
13 the manufacturer submits evidence that the manufacturer has taken steps to  
14 reduce the presence of 1,4 dioxane, lead, lead compounds, or any combination  
15 of these chemicals in the cosmetic or menstrual product and is still unable to  
16 comply with subsection (a) of this section. The Department shall not approve  
17 more than two one-year waiver applications for a particular product.

18 § 1723. PENALTIES

19 (a) A violation of this chapter shall be deemed a violation of the Consumer  
20 Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same  
21 authority to make rules, conduct civil investigations, enter into assurances of

1 discontinuance, and bring civil actions, and private parties have the same rights  
2 and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

3 (b) Nothing in this section shall be construed to preclude or supplant any  
4 other statutory or common law remedies.

5 Sec. 2. COMMUNITY ENGAGEMENT PLAN

6 On or before December 1, 2024, the Department of Health shall develop,  
7 adopt, and submit a community engagement plan to the Senate Committee on  
8 Health and Welfare and to the House Committee on Human Services related to  
9 the enactment of 18 V.S.A. chapter 36. The community engagement plan  
10 shall:

11 (1) identify cosmetic products marketed to individuals who are Black,  
12 Indigenous, or Persons of Color that contain potentially harmful ingredients;

13 (2) direct outreach to provide culturally appropriate education  
14 concerning harmful ingredients used in cultural and other cosmetic products,  
15 prioritizing engagement with vulnerable populations;

16 (3) make recommendations for priority chemicals or products to be  
17 regulated; and

18 (4) include methods for outreach and communication with those who  
19 face barriers to participation, such as language.



1           (5) “Outdoor apparel for severe wet conditions” means outdoor apparel  
2           that are extreme and extended use products designed for outdoor sports experts  
3           for applications that provide protection against extended exposure to extreme  
4           rain conditions or against extended immersion in water or wet conditions, such  
5           as from snow, in order to protect the health and safety of the user and that are  
6           not marketed for general consumer use. Examples of extreme and extended  
7           use products include outerwear for offshore fishing, offshore sailing,  
8           whitewater kayaking, and mountaineering.

9           ~~(3)~~(6) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” has  
10           the same meaning as in section 1661 of this title.

11           (7) “Personal protective equipment” has the same meaning as in section  
12           1661 of this title.

13           (8) “Regulated perfluoroalkyl and polyfluoroalkyl substances” or  
14           “regulated PFAS” means:

15           (A) PFAS that a manufacturer has intentionally added to a product  
16           and that have a functional or technical effect in the product, including PFAS  
17           components of intentionally added chemicals and PFAS that are intentional  
18           breakdown products of an added chemical that also have a functional or  
19           technical effect in the product; or

20           (B) the presence of PFAS in a product or product component at or  
21           above 100 parts per million, as measured in total organic fluorine.

1           ~~(4)~~(9) “Ski wax” means a lubricant applied to the bottom of snow  
2 runners, including skis and snowboards, to improve their grip and glide  
3 properties.

4           (10) “Textile” means any item made in whole or part from a natural,  
5 manmade, or synthetic fiber, yarn, or fabric, and includes leather, cotton, silk,  
6 jute, hemp, wool, viscose, nylon, or polyester. “Textile” does not include  
7 single-use paper hygiene products, including toilet paper, paper towels, tissues,  
8 or single-use absorbent hygiene products.

9           (11) “Textile articles” means textile goods of a type customarily and  
10 ordinarily used in households and businesses, and includes apparel,  
11 accessories, handbags, backpacks, draperies, shower curtains, furnishings,  
12 upholstery, bedding, towels, napkins, and table cloths. “Textile articles” does  
13 not include:

14           (A) a vehicle, as defined in 1 U.S.C. § 4, or its component parts;

15           (B) a vessel, as defined in 1 U.S.C. § 3, or its component parts;

16           (C) an aircraft, as defined in 49 U.S.C. § 40102(a)(6), or its  
17 component parts;

18           (D) filtration media and filter products used in industrial applications,  
19 including chemical or pharmaceutical manufacturing and environmental  
20 control technologies; and

21           (E) textile articles used for laboratory analysis and testing.



1 § 1692. SKI WAX

2 (a) A manufacturer, supplier, or distributor shall not manufacture, sell,  
3 offer for sale, distribute for sale, or distribute for use in this State ski wax or  
4 related tuning products to which PFAS have been intentionally added in any  
5 amount.

6 (b) This section shall not apply to the sale or resale of used products.

7 § 1692a. TEXTILES

8 (a) A manufacturer, supplier, or distributor shall not manufacture, sell,  
9 offer for sale, distribute for sale, or distribute for use in this State a textile or  
10 textile article to which regulated PFAS have been intentionally added in any  
11 amount.

12 (b) This section shall not apply to the sale or resale of used products.

13 § 1693. CERTIFICATE OF COMPLIANCE

14 The Attorney General may request a certificate of compliance from a  
15 manufacturer of ski wax, textiles, or textile articles. Within 30 days after  
16 receipt of the Attorney General's request for a certificate of compliance, the  
17 manufacturer shall:

18 (1) provide the Attorney General with a certificate attesting that the  
19 manufacturer's product or products comply with the requirements of this  
20 chapter; or

21 (2) notify persons who are selling a product of the manufacturer's in this

1 State that the sale is prohibited because the product does not comply with this  
2 chapter and submit to the Attorney General a list of the names and addresses of  
3 those persons notified.

4 § 1694. RULEMAKING

5 Pursuant to 3 V.S.A. chapter 25, the Commissioner shall adopt any rules  
6 necessary for the implementation, administration, and enforcement of this  
7 chapter.

8 § 1695. PENALTIES

9 (a) A violation of this chapter shall be deemed a violation of the Consumer  
10 Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same  
11 authority to make rules, conduct civil investigations, enter into assurances of  
12 discontinuance, and bring civil actions, and private parties have the same rights  
13 and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

14 (b) Nothing in this section shall be construed to preclude or supplant any  
15 other statutory or common law remedies.

16 Sec. 3a. 18 V.S.A. § 1691(8) is amended to read:

17 (8) “Regulated perfluoroalkyl and polyfluoroalkyl substances” or  
18 “regulated PFAS” means:

19 (A) PFAS that a manufacturer has intentionally added to a product  
20 and that have a functional or technical effect in the product, including PFAS  
21 components of intentionally added chemicals and PFAS that are intentional

1 breakdown products of an added chemical that also have a functional or  
2 technical effect in the product; or

3 (B) the presence of PFAS in a product or product component at or  
4 above ~~100~~ 50 parts per million, as measured in total organic fluorine.

5 Sec. 3b. 18 V.S.A. § 1691 is amended to read:

6 § 1691. DEFINITIONS

7 As used in this chapter:

8 (1) “Apparel” means any of the following:

9 (A) Clothing items intended for regular wear or formal occasions,  
10 including undergarments, shirts, pants, skirts, dresses, overalls, bodysuits,  
11 costumes, vests, dancewear, suits, saris, scarves, tops, leggings, school  
12 uniforms, leisurewear, athletic wear, sports uniforms, everyday swimwear,  
13 formal wear, onesies, bibs, diapers, footwear, and everyday uniforms for  
14 workwear. Clothing items intended for regular wear or formal occasions does  
15 not include clothing items for exclusive use by the U.S. Armed Forces, ~~outdoor~~  
16 ~~apparel for severe wet conditions~~, and personal protective equipment.

17 (B) Outdoor apparel.

18 (C) Outdoor apparel for severe wet conditions.

19 \* \* \*



1           (1) provide the Attorney General with a certificate attesting that the  
2           manufacturer's product or products comply with the requirements of this  
3           chapter; or

4           (2) notify persons who are selling a product of the manufacturer's in this  
5           State that the sale is prohibited because the product does not comply with this  
6           chapter and submit to the Attorney General a list of the names and addresses of  
7           those persons notified.

8           § 1699. RULEMAKING

9           Pursuant to 3 V.S.A. chapter 25, the Commissioner shall adopt any rules  
10          necessary for the implementation, administration, and enforcement of this  
11          chapter.

12          § 1699a. PENALTIES

13          (a) A violation of this chapter shall be deemed a violation of the Consumer  
14          Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same  
15          authority to make rules, conduct civil investigations, enter into assurances of  
16          discontinuance, and bring civil actions, and private parties have the same rights  
17          and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

18          (b) Nothing in this section shall be construed to preclude or supplant any  
19          other statutory or common law remedies.

1       Sec. 5. REPORT; MANAGEMENT OF PFAS ACROSS PRODUCT  
2                   CATEGORIES

3           On or before November 15, 2023, the Department of Environmental  
4           Conservation, in consultation with the Department of Health, shall submit a  
5           report to the House Committee on Human Services and the Senate Committee  
6           on Health and Welfare containing recommendations on how to more  
7           comprehensively manage perfluoroalkyl and polyfluoroalkyl substances and  
8           other toxic chemicals by chemical class across a range of product categories.

9                                   \* \* \* Effective Dates \* \* \*

10       Sec. 6. EFFECTIVE DATES

11       This act shall take effect on July 1, 2023, except that:

12           (1) Sec. 1 (chemicals in cosmetic and menstrual products) and Sec. 3  
13           (PFAS in ski wax and textiles) shall take effect on January 1, 2025.

14           (2) Sec. 3a (18 V.S.A. § 1691(8)) shall take effect on July 1, 2027.

15           (3) Sec. 3b (definitions) shall take effect on July 1, 2028.