

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred Senate Bill No.  
3 25 entitled “An act relating to regulating cosmetic and menstrual products  
4 containing certain chemicals and chemical classes and textiles and athletic turf  
5 fields containing perfluoroalkyl and polyfluoroalkyl substances” respectfully  
6 reports that it has considered the same and recommends that the House propose  
7 to the Senate that the bill be amended by striking out all after the enacting  
8 clause and inserting in lieu thereof the following:

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

10 Sec. 1. 9 V.S.A. chapter 63, subchapter 12 is added to read:

11 Subchapter 12. Chemicals in Cosmetic and Menstrual Products

12 § 2494a. DEFINITIONS

13 As used in this subchapter:

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

17 (2) “Cosmetic product” means articles or a component of articles  
18 intended to be rubbed, poured, sprinkled, or sprayed on; introduced into; or  
19 otherwise applied to the human body or any part thereof for cleansing,  
20 promoting attractiveness, or improving or altering appearance, including those  
21 intended for use by professionals. “Cosmetic product” does not mean soap,

1 dietary supplements, or food and drugs approved by the U.S. Food and Drug  
2 Administration.

3 (3) “Formaldehyde-releasing agent” means a chemical that releases  
4 formaldehyde.

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

7 (5) “Manufacturer” means any person engaged in the business of  
8 making or assembling a consumer product directly or indirectly available to  
9 consumers. “Manufacturer” shall exclude a distributor or retailer, except when  
10 a product is imported into the United States, in which case a “manufacturer”  
11 shall include the importer; first domestic distributor of the product if the person  
12 that made or assembled the product; or entity whose brand name is affixed to  
13 the product does not have a presence in the United States.

14 (6) “Menstrual product” means a product used to collect menstruation  
15 and vaginal discharge, including tampons, pads, sponges, menstruation  
16 underwear, disks, applicators, and menstrual cups, whether disposable or  
17 reusable.

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

21 (8) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a

1 class of fluorinated organic chemicals containing at least one fully fluorinated  
2 carbon atom.

3 (9) “Professional” means a person granted a license pursuant to  
4 26 V.S.A. chapter 6 to practice in the field of barbering, cosmetology,  
5 manicuring, or esthetics.

6 § 2494b. PROHIBITED CHEMICALS IN COSMETIC AND MENSTRUAL  
7 PRODUCTS

8 (a) A manufacturer shall not manufacture, sell, offer for sale, distribute for  
9 sale, or distribute for use in this State any cosmetic or menstrual product to  
10 which the following chemicals or chemical classes have been intentionally  
11 added in any amount:

12 (1) ortho-phthalates;

13 (2) PFAS;

14 (3) formaldehyde (CAS 50-00-0);

15 (4) methylene glycol (CAS 463-57-0);

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

17 (6) 1, 4-dioxane (CAS 123-91-1);

18 (7) isopropylparaben (CAS 4191-73-5);

19 (8) isobutylparaben (CAS 4247-02-3);

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

21 (10) asbestos;

1           (11) triclosan (CAS 3380-34-5);

2           (12) m-phenylenediamine and its salts (CAS 108-42-5);

3           (13) o-phenylenediamine and its salts (CAS 95-54-5); and

4           (14) quaternium-15 (CAS 51229-78-8).

5           (b) A cosmetic or menstrual product made through manufacturing  
6           processes intended to comply with this chapter and containing a technically  
7           unavoidable trace quantity of a chemical or chemical class listed in subsection  
8           (a) of this section shall not be in violation of this chapter on account of the  
9           trace quantity where it is caused by impurities of:

10           (1) natural or synthetic ingredients;

11           (2) the manufacturing process;

12           (3) storage; or

13           (4) migration from packaging.

14           (c) A manufacturer shall not knowingly manufacture, sell, offer for sale,  
15           distribute for sale, or distribute for use in this State any cosmetic or menstrual  
16           product that contains 1,4, dioxane at or exceeding 10 parts per million.

17           (d)(1) Pursuant to 3 V.S.A. chapter 25, the Department of Health may  
18           adopt rules prohibiting a manufacturer from selling, offering for sale,  
19           distributing for sale, or distributing for use a cosmetic or menstrual product to  
20           which formaldehyde releasing agents have been intentionally added and are  
21           present in any amount.

1           (2) The Department may only prohibit a manufacturer from selling,  
2           offering for sale, distributing for sale, or distributing for use a cosmetic or  
3           menstrual product in accordance with this subsection if the Department or at  
4           least one other state has determined that a safer alternative is readily available  
5           in sufficient quantity and at comparable cost and that the safer alternative  
6           performs as well as or better than formaldehyde releasing agents in a specific  
7           application of formaldehyde releasing agents to a cosmetic or menstrual  
8           product.

9           (3) Any rule adopted by the Department pursuant to this subsection may  
10          restrict formaldehyde releasing agents as individual chemicals or as a class of  
11          chemicals.

12          Sec. 2. 9 V.S.A. § 2494b is amended to read:

13          § 2494b. PROHIBITED CHEMICALS IN COSMETIC AND MENSTRUAL  
14                 PRODUCTS

15          (a) A manufacturer shall not manufacture, sell, offer for sale, distribute for  
16          sale, or distribute for use in this State any cosmetic or menstrual product to  
17          which the following chemicals or chemical classes have been intentionally  
18          added in any amount:

19                                 \* \* \*

20                 (13) o-phenylenediamine and its salts (CAS 95-54-5); ~~and~~

21                 (14) quaternium-15 (CAS 51229-78-8);

1 (15) styrene (CAS 100-42-5);

2 (16) octamethylcyclotetrasiloxane (CAS 556-67-2); and

3 (17) toluene (CAS 108-88-3).

4 \* \* \*

5 (e) A manufacturer shall not knowingly manufacture, sell, offer for sale,  
6 distribute for sale, or distribute for use in this State any cosmetic or menstrual  
7 product that contains lead or lead compounds at or exceeding one part per  
8 million.

9 \* \* \* PFAS in Consumer Products \* \* \*

10 Sec. 3. 9 V.S.A. chapter 63, subchapter 12a is added to read:

11 Subchapter 12a. PFAS in Consumer Products

12 § 2494e. DEFINITIONS

13 As used in this subchapter:

14 (1) “Adult mattress” means a mattress other than a crib or toddler  
15 mattress.

16 (2) “Apparel” means any of the following:

17 (A) Clothing items intended for regular wear or formal occasions,  
18 including undergarments, shirts, pants, skirts, dresses, overalls, bodysuits,  
19 costumes, vests, dancewear, suits, saris, scarves, tops, leggings, school  
20 uniforms, leisurewear, athletic wear, sports uniforms, everyday swimwear,  
21 formal wear, onesies, bibs, reusable diapers, footwear, and everyday uniforms

1 for workwear. Clothing items intended for regular wear or formal occasions  
2 do not include clothing items for exclusive use by the U.S. Armed Forces,  
3 outdoor apparel for severe wet conditions, and personal protective equipment.

4 (B) Outdoor apparel.

5 (3) “Aftermarket stain and water resistant treatments” means treatments  
6 for textile and leather consumer products used in residential settings that have  
7 been treated during the manufacturing process for stain, oil, and water  
8 resistance, but excludes products marketed or sold exclusively for use at  
9 industrial facilities during the manufacture of a carpet, rug, clothing, or shoe.

10 (4) “Artificial turf field” means a surface of synthetic fibers that is used  
11 in place of natural grass in recreational, residential, or commercial  
12 applications.

13 (5) “Cookware” means durable houseware items used to prepare,  
14 dispense, or store food, foodstuffs, or beverages and that are intended for direct  
15 food contact, including pots, pans, skillets, grills, baking sheets, baking molds,  
16 trays, bowls, and cooking utensils.

17 (6) “Intentionally added” means the addition of a chemical in a product  
18 that serves an intended function in the product component.

19 (7) “Juvenile product” means a product designed or marketed for use by  
20 infants and children under 12 years of age:

21 (A) including a baby or toddler foam pillow; bassinet; bedside

1 sleeper; booster seat; changing pad; infant bouncer; infant carrier; infant seat;  
2 infant sleep positioner; infant swing; infant travel bed; infant walker; nap cot;  
3 nursing pad; nursing pillow; play mat; playpen; play yard; polyurethane foam  
4 mat, pad, or pillow; portable foam nap mat; portable infant sleeper; portable  
5 hook-in chair; soft-sided portable crib; stroller; toddler mattress; and  
6 disposable, single-use diaper; and

7 (B) excluding a children’s electronic product, such as a personal  
8 computer, audio and video equipment, calculator, wireless phone, game  
9 console, handheld device incorporating a video screen, or any associated  
10 peripheral such as a mouse, keyboard, power supply unit, or power cord; a  
11 medical device; or an adult mattress.

12 (8) “Manufacturer” means any person engaged in the business of  
13 making or assembling a consumer product directly or indirectly available to  
14 consumers. “Manufacturer” excludes a distributor or retailer, except when a  
15 product is imported into the United States, in which case a “manufacturer”  
16 includes the importer; first domestic distributor of the product if the person that  
17 made or assembled the product; or entity whose brand name is affixed to the  
18 product does not have a presence in the United States.

19 (9) “Medical device” has the same meaning given to “device” in  
20 21 U.S.C. § 321.

21 (10) “Outdoor apparel” means clothing items intended primarily for



1 outdoor activities, including hiking, camping, skiing, climbing, bicycling, and  
2 fishing.

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

11 (12) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means  
12 a class of fluorinated organic chemicals containing at least one fully  
13 fluorinated carbon atom.

14 (13) “Personal protective equipment” has the same meaning as in  
15 section 1661 of this title.

16 (14) “Regulated perfluoroalkyl and polyfluoroalkyl substances” or  
17 “regulated PFAS” means:

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

1 technical effect in the product; or

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

4 (15) “Rug or carpet” means a fabric marketed or intended for use as a  
5 floor covering.

6 (16) “Ski wax” means a lubricant applied to the bottom of snow runners,  
7 including skis and snowboards, to improve their grip and glide properties.

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

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

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

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

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

1           (D) filtration media and filter products used in industrial applications,  
2           including chemical or pharmaceutical manufacturing and environmental  
3           control technologies;

4           (E) textile articles used for laboratory analysis and testing; and

5           (F) rugs or carpets.

6           § 2494f. AFTERMARKET STAIN AND WATER-RESISTANT

7           TREATMENTS

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 aftermarket  
10           stain and water-resistant treatments for rugs or carpets to which PFAS have  
11           been intentionally added in any amount.

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

13           § 2494i. JUVENILE PRODUCTS

14           (a) A manufacturer, supplier, or distributor shall not manufacture, sell,  
15           offer for sale, distribute for sale, or distribute for use in this State juvenile  
16           products to which PFAS have been intentionally added in any amount.

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

18           § 2494j. RUGS AND CARPETS

19           (a) A manufacturer, supplier, or distributor shall not manufacture, sell,  
20           offer for sale, distribute for sale, or distribute for use in this State a residential  
21           rug or carpet to which PFAS have been added in any amount.

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

2        § 2494k. SKI WAX

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 ski wax or  
5        related tuning products to which PFAS have been intentionally added in any  
6        amount.

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

8        § 2494m. CERTIFICATE OF COMPLIANCE

9        (a) The Attorney General may request a certificate of compliance from a  
10       manufacturer of a consumer product regulated under this chapter. Within 60  
11       days after receipt of the Attorney General’s request for a certificate of  
12       compliance, the manufacturer shall:

13       (1) provide the Attorney General with a certificate attesting that the  
14       manufacturer’s product or products comply with the requirements of this  
15       chapter; or

16       (2) notify persons who are selling a product of the manufacturer’s in this  
17       State that the sale is prohibited because the product does not comply with this  
18       chapter and submit to the Attorney General a list of the names and addresses of  
19       those persons notified.

20       (b) A manufacturer required to submit a certificate of compliance pursuant  
21       to this section may rely upon a certificate of compliance provided to the

1 manufacturer by a supplier for the purpose of determining the manufacturer’s  
2 reporting obligations. A certificate of compliance provided by a supplier in  
3 accordance with this subsection shall be used solely for the purpose of  
4 determining a manufacturer’s compliance with this section.

5 \* \* \* PFAS in Textiles \* \* \*

6 Sec. 4. 9 V.S.A. § 2494l is added to read:

7 § 2494l. TEXTILES

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

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

12 Sec. 5. 9 V.S.A. § 2494e(2) is amended to read:

13 (2) “Apparel” means any of the following:

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

1 (B) Outdoor apparel.

2 (C) Outdoor apparel for severe wet conditions.

3 Sec. 6. 9 V.S.A. § 2494e(14) is amended to read:

4 (14) “Regulated perfluoroalkyl and polyfluoroalkyl substances” or  
5 “regulated PFAS” means:

6 (A) PFAS that a manufacturer has intentionally added to a product  
7 and that have a functional or technical effect in the product, including PFAS  
8 components of intentionally added chemicals and PFAS that are intentional  
9 breakdown products of an added chemical that also have a functional or  
10 technical effect in the product; or

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

13 \* \* \* PFAS in Firefighting Agents and Equipment \* \* \*

14 Sec. 7. 9 V.S.A. chapter 63, subchapter 12b is added to read:

15 Subchapter 12b. PFAS in Firefighting Agents and Equipment

16 § 2494p. DEFINITIONS

17 As used in this subchapter:

18 (1) “Class B firefighting foam” means chemical foams designed for  
19 flammable liquid fires.

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

1           (3) “Manufacturer” means any person engaged in the business of  
2 making or assembling a consumer product directly or indirectly available to  
3 consumers. “Manufacturer” shall exclude a distributor or retailer, except when  
4 a product is imported into the United States, in which case a “manufacturer”  
5 shall include the importer; first domestic distributor of the product if the person  
6 that made or assembled the product; or entity whose brand name is affixed to  
7 the product does not have a presence in the United States.

8           (4) “Municipality” means any city, town, incorporated village, town fire  
9 district, or other political subdivision that provides firefighting services  
10 pursuant to general law or municipal charter.

11           (5) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a  
12 class of fluorinated organic chemicals containing at least one fully fluorinated  
13 carbon atom.

14           (6) “Personal protective equipment” means clothing designed, intended,  
15 or marketed to be worn by firefighting personnel in the performance of their  
16 duties, designed with the intent for use in fire and rescue activities, and  
17 includes jackets, pants, shoes, gloves, helmets, and respiratory equipment.

18           (7) “Terminal” means an establishment primarily engaged in the  
19 wholesale distribution of crude petroleum and petroleum products, including  
20 liquefied petroleum gas from bulk liquid storage facilities.

1     § 2494q. PROHIBITION OF CERTAIN CLASS B FIREFIGHTING FOAM

2             A person, municipality, or State agency shall not discharge or otherwise use  
3     for training or testing purposes class B firefighting foam that contains  
4     intentionally added PFAS.

5     § 2494r. RESTRICTION ON MANUFACTURE, SALE, AND  
6             DISTRIBUTION; EXCEPTIONS

7             (a)(1) Unless otherwise required under federal law, but not later than  
8     October 1, 2023, a manufacturer of class B firefighting foam shall not  
9     manufacture, sell, offer for sale, or distribute for sale or use in this State class  
10    B firefighting foam to which PFAS have been intentionally added.

11            (2) Notwithstanding subdivision (1) of this subsection, the restriction on  
12    the manufacture, sale, offer for sale, or distribution of class B firefighting foam  
13    containing intentionally added PFAS for use at a terminal shall not apply until  
14    January 1, 2024.

15            (b) A person operating a terminal after January 1, 2024, and who seeks to  
16    purchase class B firefighting foam containing intentionally added PFAS for the  
17    purpose of fighting emergency class B fires, may apply to the Department of  
18    Environmental Conservation for a temporary exemption from the restrictions  
19    on the manufacture, sale, offer for sale, or distribution of class B firefighting  
20    foam for use at a terminal. An exemption shall not exceed one year. The  
21    Department of Environmental Conservation, in consultation with the



1 Department of Health, may grant an exemption under this subsection if the  
2 applicant provides:

3 (1) clear and convincing evidence that there is not a commercially  
4 available alternative that:

5 (A) does not contain intentionally added PFAS; and

6 (B) is capable of suppressing a large atmospheric tank fire or  
7 emergency class B fire at the terminal;

8 (2) information on the amount of class B firefighting foam containing  
9 intentionally added PFAS that is annually stored, used, or released at the  
10 terminal;

11 (3) a report on the progress being made by the applicant to transition at  
12 the terminal to class B firefighting foam that does not contain intentionally  
13 added PFAS; and

14 (4) an explanation of how:

15 (A) all releases of class B firefighting foam containing intentionally  
16 added PFAS shall be fully contained at the terminal; and

17 (B) existing containment measures prevent firewater, wastewater,  
18 runoff, and other wastes from being released into the environment, including  
19 into soil, groundwater, waterways, and stormwater.

1        (c) Nothing in this section shall prohibit a terminal from providing class B  
2        firefighting foam in the form of aid to another terminal in the event of a class B  
3        fire.

4        **§ 2494s. SALE OF PERSONAL PROTECTIVE EQUIPMENT**

5                    **CONTAINING PFAS**

6        (a) A manufacturer or other person that sells firefighting equipment to any  
7        person, municipality, or State agency shall provide written notice to the  
8        purchaser at the time of sale, citing to this chapter, if the personal protective  
9        equipment contains PFAS. The written notice shall include a statement that  
10       the personal protective equipment contains PFAS and the reason PFAS are  
11       added to the equipment.

12       (b) The manufacturer or person selling personal protective equipment and  
13       the purchaser of the personal protective equipment shall retain the notice for at  
14       least three years from the date of the transaction.

15       **§ 2494t. NOTIFICATION; RECALL OF PROHIBITED PRODUCTS**

16       (a) A manufacturer of class B firefighting foam containing intentionally  
17       added PFAS shall provide written notice to persons that sell the manufacturer's  
18       products in this State about the restrictions imposed by this chapter not less  
19       than one year prior to the effective date of the restrictions.

20       (b) Unless a class B firefighting foam containing intentionally added PFAS  
21       is intended for use at a terminal, and if after January 1, 2024, the person

1 operating a terminal holds a temporary exemption pursuant to subsection  
2 1663(b) of this title, a manufacturer that produces, sells, or distributes a class B  
3 firefighting foam containing intentionally added PFAS shall:

4 (1) recall the product and reimburse the retailer or any other purchaser  
5 for the product; and

6 (2) issue either a press release or notice on the manufacturer’s website  
7 describing the product recall and reimbursement requirement established in  
8 this subsection.

9 § 2494u. CERTIFICATE OF COMPLIANCE

10 (a) The Attorney General may request a certificate of compliance from a  
11 manufacturer of class B firefighting foam or firefighting personal protective  
12 equipment. Within 60 days after receipt of the Attorney General’s request for  
13 a certificate of compliance, the manufacturer shall:

14 (1) provide the Attorney General with a certificate attesting that the  
15 manufacturer’s product or products comply with the requirements of this  
16 chapter; or

17 (2) notify persons who are selling a product of the manufacturer’s in this  
18 State that the sale is prohibited because the product does not comply with this  
19 chapter and submit to the Attorney General a list of the names and addresses of  
20 those persons notified.

21 (b) A manufacturer required to submit a certificate of compliance pursuant

1 to this section may rely upon a certificate of compliance provided to the  
2 manufacturer by a supplier for the purpose of determining the manufacturer's  
3 reporting obligations. A certificate of compliance provided by a supplier in  
4 accordance with this subsection shall be used solely for the purpose of  
5 determining a manufacturer's compliance with this section.

6 \* \* \* Chemicals of Concern in Food Packaging \* \* \*

7 Sec. 8. 9 V.S.A. chapter 63, subchapter 12c is added to read:

8 Subchapter 12c. Chemicals of Concern in Food Packaging

9 § 2494x. DEFINITIONS

10 As used in this subchapter:

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

14 (2) “Department” means the Department of Health.

15 (3) “Food package” or “food packaging” means a package or packaging  
16 component that is intended for direct food contact.

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

19 (5) “Ortho-phthalates” means any member of the class of organic  
20 chemicals that are esters of phthalic acid containing two carbon chains located  
21 in the ortho position.

1           (6) “Package” means a container providing a means of marketing,  
2           protecting, or handling a product and shall include a unit package, an  
3           intermediate package, and a shipping container. “Package” also means  
4           unsealed receptacles, such as carrying cases, crates, cups, pails, rigid foil and  
5           other trays, wrappers and wrapping films, bags, and tubs.

6           (7) “Packaging component” means an individual assembled part of a  
7           package, such as any interior or exterior blocking, bracing, cushioning,  
8           weatherproofing, exterior strapping, coatings, closures, inks, and labels, and  
9           disposable gloves used in commercial or institutional food service.

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

13           § 2494y. FOOD PACKAGING

14           (a) A manufacturer, supplier, or distributor shall not manufacture, sell,  
15           offer for sale, distribute for sale, or distribute for use in this State a food  
16           package to which PFAS have been intentionally added and are present in any  
17           amount.

18           (b)(1) Pursuant to 3 V.S.A. chapter 25, the Department may adopt rules  
19           prohibiting a manufacturer, supplier, or distributor from selling or offering for  
20           sale or for promotional distribution a food package or the packaging  
21           component of a food package to which bisphenols have been intentionally

1 added and are present in any amount. The Department may exempt specific  
2 chemicals within the bisphenol class when clear and convincing evidence  
3 suggests they are not endocrine-active or otherwise toxic.

4 (2) The Department may only prohibit a manufacturer, supplier, or  
5 distributor from selling or offering for sale or for promotional distribution a  
6 food package or the packaging component of a food package in accordance  
7 with this subsection if the Department or at least one other state has determined  
8 that a safer alternative is readily available in sufficient quantity and at a  
9 comparable cost and that the safer alternative performs as well as or better than  
10 bisphenols in a specific application of bisphenols to a food package or the  
11 packaging component of a food package.

12 (3) If the Department prohibits a manufacturer, supplier, or distributor  
13 from selling or offering for sale or for promotional distribution a food package  
14 or the packaging component of a food package in accordance with this  
15 subsection, the prohibition shall not take effect until two years after the  
16 Department adopts the rules.

17 (c) A manufacturer, supplier, or distributor shall not manufacture, sell,  
18 offer for sale, distribute for sale, or distribute for use in this State a food  
19 package that includes inks, dyes, pigments, adhesives, stabilizers, coatings,  
20 plasticizers, or any other additives to which ortho-phthalates have been  
21 intentionally added and are present in any amount.

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

2        § 2494z. CERTIFICATE OF COMPLIANCE

3        (a) The Attorney General may request a certificate of compliance from a  
4        manufacturer of food packaging. Within 60 days after receipt of the Attorney  
5        General’s request for a certificate of compliance, the manufacturer shall:

6                (1) provide the Attorney General with a certificate attesting that the  
7        manufacturer’s product or products comply with the requirements of this  
8        chapter; or

9                (2) notify persons who are selling a product of the manufacturer’s in this  
10        State that the sale is prohibited because the product does not comply with this  
11        chapter and submit to the Attorney General a list of the names and addresses of  
12        those persons notified.

13        (b) A manufacturer required to submit a certificate of compliance pursuant  
14        to this section may rely upon a certificate of compliance provided to the  
15        manufacturer by a supplier for the purpose of determining the manufacturer’s  
16        reporting obligations. A certificate of compliance provided by a supplier in  
17        accordance with this subsection shall be used solely for the purpose of  
18        determining a manufacturer’s compliance with this section.

19                        \*\*\* PFAS in Artificial Turf Fields \*\*\*

20        Sec. 9. 9 V.S.A. § 2494g is added to read:

21        § 2494g. ARTIFICIAL TURF FIELDS

1        A manufacturer, supplier, or distributor shall not manufacture, sell, offer for  
2        sale, distribute for sale, or distribute for use in this State an artificial turf field  
3        to which:

4                (1) PFAS have been intentionally added in any amount; or

5                (2) PFAS have entered the product from the manufacturing or  
6        processing of that product, the addition of which is known or reasonably  
7        ascertainable by the manufacturer.

8                                \* \* \* PFAS in Cookware \* \* \*

9        Sec. 10. 9 V.S.A. § 2494h is added to read:

10        § 2494h. COOKWARE

11                (a) A manufacturer, supplier, or distributor shall not manufacture, sell,  
12        offer for sale, distribute for sale, or distribute for use in this State cookware to  
13        which PFAS have been intentionally added in any amount.

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

15                                \* \* \* Engagement and Implementation Plans \* \* \*

16        Sec. 11. COMMUNITY ENGAGEMENT PLAN

17                On or before December 1, 2024, the Department of Health shall develop  
18        and submit a community engagement plan to the Senate Committee on Health  
19        and Welfare and to the House Committee on Human Services related to the  
20        enactment of 9 V.S.A. chapter 63, subchapter 12. The community engagement  
21        plan shall:



1           (1) outline methodology and costs to conduct outreach for the purpose  
2           of identifying cosmetic products marketed to or utilized by historically  
3           oppressed and marginalized populations in Vermont, including the cost of  
4           translation services, participant compensation, and other resources that support  
5           equitable access to participation;

6           (2) outline methodology and costs to conduct research on the prevalence  
7           of potentially harmful ingredients within products marketed to or utilized by  
8           historically oppressed and marginalized populations in Vermont;

9           (3) outline methodology and to create a culturally appropriate public  
10          health awareness campaign concerning harmful ingredients used in cosmetic  
11          products; and

12          (4) propose a recommended process for regulating chemicals or  
13          products containing potentially harmful ingredients marketed to or utilized by  
14          historically oppressed and marginalized populations in Vermont.

15          Sec. **12**. IMPLEMENTATION PLAN; CONSUMER PRODUCTS

16                                       CONTAINING PFAS

17          (a) The Agency of Natural Resources, in consultation with the Agency of  
18          Agriculture, Food and Markets; the Department of Health; and the Office of  
19          the Attorney General, shall propose a program requiring the State to identify  
20          and restrict the sale and distribution of consumer products containing  
21          perfluoroalkyl and polyfluoroalkyl substances (PFAS) that could impact public

1 health and the environment. The proposed program shall:

2 (1) identify categories of consumer products that could have an impact  
3 on public health and environmental contamination;

4 (2) propose a process by which manufacturers determine whether a  
5 consumer product contains PFAS and how that information is communicated  
6 to the State;

7 (3) address how information about the presence or lack of PFAS in a  
8 consumer product is conveyed to the public;

9 (4) describe which agency or department is responsible for  
10 administration of the proposed program, including what additional staff,  
11 information technology changes, and other resources, if any, are necessary to  
12 implement the program;

13 (5) determine whether and how other states have structured and  
14 implemented similar programs and identify the best practices used in these  
15 efforts;

16 (6) propose definitions of “intentionally added,” “consumer product,”  
17 and “perfluoroalkyl and polyfluoroalkyl substances”;

18 (7) propose a related public service announcement program and website  
19 content to inform the public and health care providers about the potential  
20 public health impacts of exposure to PFAS and actions that can be taken to  
21 reduce risk; and

1           (8) provide recommendations for the regulation of PFAS within  
2           consumer products that use recycled materials, including food packaging,  
3           cosmetic product packaging, and textiles.

4           (b) The Agency of Natural Resources shall obtain input on its  
5           recommendation from interested parties, including those that represent  
6           environmental, agricultural, and industry interests.

7           (c) On or before November 1, 2024, the Agency of Natural Resources shall  
8           submit an implementation plan developed pursuant to this section and  
9           corresponding draft legislation to the House Committees on Environment and  
10           Energy and on Human Services and the Senate Committees on Health and  
11           Welfare and on Natural Resources and Energy.

12           (d) For the purposes of this section, “consumer products” includes  
13           restricted and nonrestricted use pesticides.

14                                      \* \* \* Repeal \* \* \*

15       Sec. **13. REPEAL; PFAS IN VARIOUS CONSUMER PRODUCTS**  
16       **18 V.S.A. chapter 33 (PFAS in firefighting agents and equipment), 18**  
17       **V.S.A. chapter 33A (chemicals of concern in food packaging), 18 V.S.A.**  
18       **chapter 33B (PFAS in rugs, carpets, and aftermarket stain and water-resistant**  
19       **treatments), and 18 V.S.A. chapter 33C (PFAS in ski wax) are repealed on July**

1 1, 2026.

2 \* \* \* Effective Dates \* \* \*

3 Sec. 14. EFFECTIVE DATES

4 This act shall take effect on July 1, 2024, except that:

5 (1) Sec. 1 (chemicals in cosmetic and menstrual products) shall take  
6 effect on January 1, 2026;

7 (2) Sec. 3 (PFAS in consumer products) shall take effect on July 1,  
8 2026;

9 (3) Sec. 4 (textiles) shall take effect on January 1, 2027;

10 (4) Sec. 2 (9 V.S.A. § 2494b) and Sec. 5 (9 V.S.A. § 2494e (2)) shall  
11 take effect on July 1, 2027;

12 (5) Sec. 9 (artificial turf fields) and Sec. 10 (cookware) shall take effect  
13 on January 1, 2028; and

14 (6) Sec. 6 (9 V.S.A. § 2494e(14)) shall take effect on July 1, 2028.

15 and that after passage the title of the bill be amended to read: “An act  
16 relating to regulating consumer products containing perfluoroalkyl and  
17 polyfluoroalkyl substances or other chemicals”

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(Committee vote: \_\_\_\_\_)

\_\_\_\_\_

Representative \_\_\_\_\_

FOR THE COMMITTEE