

S.25: An act relating to regulating consumer products containing perfluoroalkyl and polyfluoroalkyl substances or other chemicals

as passed House

* * * CHEMICALS IN COSMETIC AND MENSTRUAL PRODUCTS * * *

Sec. 1. Chemicals in Cosmetic and Menstrual Products (Adds 9 V.S.A. chapter 63, subchapter 12)—Effective Jan. 1, 2026

- § 2494a. Definitions
 - Defines various terms including “cosmetic product”, “manufacturer”, “menstrual product”, and “professional”
- § 2494b. Prohibited Chemicals in Cosmetic and Menstrual Products
 - (a) 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
 - (b) Specifies that there is no violation of the subchapter where a cosmetic or menstrual product made through processes intended to comply with the subchapter contain a technically unavoidable trace quantity of a listed chemical or chemical class caused by impurities of:
 - Natural or synthetic ingredients;
 - Manufacturing processes;
 - Storage; or
 - Migration from packaging.
 - (c) 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 10ppm
 - (d)(1) Authorizes VDH to adopt rules prohibiting a manufacturer from selling, offering for sale, distributing for sale, or distributing for use in this State and cosmetic or menstrual product containing intentionally added formaldehyde releasing agents
 - (2) VDH may only prohibit a manufacturer from selling offering for sale, distributing for sale, or distributing for use in this State any cosmetic or menstrual product pursuant to subdiv. (d)(1) if VDH or another state has determined that a safer alternative is readily available in sufficient quantity and at comparable cost and that safer alternative performs as well as or better
 - (3) Any rule adopted under subdiv. (d)(1) may restrict individual chemicals or a class of chemicals

Sec. 2. Chemicals in Cosmetic and Menstrual Products (Amends 9 V.S.A. § 2494b) — Effective July 1, 2027

- § 2494b. Prohibited Chemicals in Cosmetic and Menstrual Products
 - (a) Adds three additional regulated chemicals

- Adds (e): 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

* * * PFAS IN CONSUMER PRODUCTS * * *

Sec. 3. PFAS in Consumer Products (Adds 9 V.S.A. chapter 63, subchapter 12a) —Effective Jan. 1, 2026

- § 2494e. Definitions
- § 2494f. Aftermarket Stain and Water-Resistant Treatments (*recodifies 18 V.S.A. chapter 33B in part*)
 - Prohibits a manufacturer from selling, offering for sale, distributing for sale, or distributing for use in this State aftermarket stain and water-resistant treatments for rugs or carpets to which PFAS have been intentionally added in any amount
 - Section does not apply to sale or resale of used products
- § 2494h. Cookware
 - Prohibits a manufacturer from selling, offering for sale, distributing for sale, or distributing for use in this State cookware to which PFAS have been intentionally added in any amount
 - Section does not apply to sale or resale of used products
- § 2494i. Incontinency Protection Product
 - Prohibits a manufacturer from selling, offering for sale, distributing for sale, or distributing for use in this State incontinency protection products to which PFAS have been intentionally added in any amount
- § 2494j. Juvenile Products
 - Prohibits a manufacturer from selling, offering for sale, distributing for sale, or distributing for use in this State juvenile products to which PFAS have been intentionally added in any amount
 - Section does not apply to sale or resale of used products
- § 2494k. Rugs and Carpets (*recodifies 18 V.S.A. chapter 33B in part*)
 - Prohibits a manufacturer from selling, offering for sale, distributing for sale, or distributing for use in this State residential rugs or carpets to which PFAS have been intentionally added in any amount
 - Section does not apply to sale or resale of used products
- § 2494l. Ski Wax (*recodifies 18 V.S.A. chapter 33C in part*)
 - Prohibits a manufacturer from selling, offering for sale, distributing for sale, or distributing for use in this State ski wax or related tuning products to which PFAS have been intentionally added in any amount
 - Section does not apply to sale or resale of used products

- § 2494m. Textiles
 - Prohibits a manufacturer from selling, offering for sale, distributing for sale, or distributing for use in this State a textile or textile article to which regulating PFAS have been intentionally added in any amount
 - Section does not apply to sale or resale of used products
- § 2494n. Certificate of Compliance
 - (a) Authorizes the AG to request a certificate of compliance from a manufacturer of a consumer product regulated under the subchapter. Within 60 days after receipt of the request, the manufacturer shall:
 - Provide the AG with a certificate attesting that the product(s) comply with the requirements of the subchapter; or
 - Notify persons selling a product in the State that the sale is prohibited because the product doesn't comply with this subchapter and submit names & addresses of the persons notified to the AG
 - (b) Allows a manufacturer required to submit a certificate of compliance to rely upon a certificate provided by a supplier; a supplier's certificate shall only be used for the purpose of determining a manufacturer's compliance with this section

* * * PFAS IN ARTIFICIAL TURF * * *

Sec. 4. Artificial Turf (Adds 9 V.S.A. § 2494g)—Effective Jan. 1, 2028

- Prohibits a manufacturer from selling, offering for sale, distributing for sale, or distributing for use in this State artificial turf to which PFAS have been intentionally added in any amount OR PFAS have entered the product from the manufacturing or processing of that product, the addition of which is known or reasonably ascertainable by the manufacturer

* * * AMENDMENTS TO PFAS IN TEXTILES * * *

Sec. 5. Definition of “Apparel” (Amends 9 V.S.A. § 2494e(2))—Effective July 1, 2028

- Amends definition of “apparel” to include “outdoor apparel for severe wet conditions”

Sec. 6. Definition of “Regulated PFAS” (Amends 9 V.S.A. § 2494e(15))—Effective July 1, 2027

- Replaces “100” ppm with “50” ppm

* * * PFAS IN FIREFIGHTING AGENTS AND EQUIPMENT * * *

Sec. 7. PFAS in Firefighting Agents and Equipment (Adds 9 V.S.A. chapter 63, subchapter 12b)—Effective Jan. 1, 2026

- Recodifies 18 V.S.A. chapter 33 with a few changes:
 - Uses consistent definition of “manufacturer”
 - Removes language with time sensitive provisions that have expired

* * * CHEMICALS OF CONCERN IN FOOD PACKAGING * * *

Sec. 8. Chemicals of Concern in Food Packaging (Adds 9 V.S.A. chapter 63, subchapter 12c)—Effective Jan. 1, 2026

- Recodifies 18 V.S.A. chapter 33A

* * * ENGAGEMENT AND IMPLEMENTATION PLANS * * *

Sec. 9. Community Engagement Plan—Effective July 1, 2024

- By 7/1/25, VDH is required to submit a community engagement plan to the General Assembly related to the regulation of chemicals in cosmetic and menstrual products, including:
 - Providing of education to the general public and addressing 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;
 - Outlining the methodology and costs to conduct outreach for the purposes of:
 - Identifying cosmetics of concern, including those marketed to or utilized by marginalized communities;
 - Conducting research on the prevalence of harmful ingredients within cosmetic products; and
 - Creating culturally appropriate public health awareness campaigns

Sec. 10. Implementation Plan; Consumer Products Containing PFAS—Effective July 1, 2024

- Directs ANR (by 11/1/24), in consultation with AAFM, VDH, and AGO, to propose a program requiring the State to ID and restrict the sale and distribution of consumer products containing PFAS that could impact public and the environment, including:
 - Propose 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 definitions of key terms;
 - Propose a PSA program and website content about the public health risk of PFAS exposure;
 - Provide recommendations for the regulation of PFAS within consumer products that use recycled materials; and
 - Determine whether personal protective equipment of a product regulated as a drug, medical device, or dietary supplement is appropriately regulated under this act.

* * * REPEAL * * *

Sec. 11. Repeal; PFAS in Various Consumer Products—Effective July 1, 2024

- Repeals the following chapters by Jan. 1, 2026 (because they are recodified in T.9):
 - 18 V.S.A. chapter 33 (PFAS in firefighting agents and equipment)
 - 18 V.S.A. chapter 33A (chemicals of concern in food packaging)
 - 18 V.S.A. chapter 33B (PFAS in rugs, carpets, and aftermarket stain and water resistant treatments)
 - 18 V.S.A. chapter 33C (PFAS in ski wax)

* * * COMPLIANCE NOTIFICATION * * *

Sec. 12. Compliance Notification—Effective July 1, 2024

- If, upon a manufacturer’s showing, the AGO determines that it is not feasible to produce a particular consumer product regulated in this act by the relevant effective date, the AG may postpone compliance date for up to one year. If the AG postpones a compliance date, the AGO shall post notification of the postponement on its website.

* * * EFFECTIVE DATES * * *

Sec. 13. Effective Dates

Bill Provision	Due Date
Cosmetic/Menstrual Products: Phase I	Jan. 1, 2026
Cosmetic/Menstrual Products: Phase II	July 1, 2027
Consumer Products (Move Existing Programs to T.9, Repeal References in T.18, and implement JUVENILE PRODUCTS, COOKWARE and TEXTILES)	January 1, 2026
Amend definition of TEXTILES	July 1, 2027
Amend definition of “Regulated PFAS”	July 1, 2028
Consumer Products: Implement TURF	January 1, 2028
Everything else (2 reports)	July 1, 2024