

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The PFAS Reduction Act is amended by changing
5 Section 5 and by adding Section 45 as follows:

6 (415 ILCS 170/5)

7 Sec. 5. Definitions. In this Act:

8 "Agency" means the Illinois Environmental Protection
9 Agency.

10 "Class B firefighting foam" means foam designed to
11 extinguish flammable liquid fires or prevent the ignition of
12 flammable liquids.

13 "Cosmetics" means products that are:

14 (1) intended to be rubbed, poured, sprinkled, or
15 sprayed on, introduced into, or otherwise applied to the
16 human body or any part of the human body for the purpose of
17 cleansing, beautifying, promoting attractiveness, or
18 altering the appearance; or

19 (2) intended for use as a component of any product
20 described in paragraph (1).

21 "Cosmetics" includes soap.

22 "Dental floss" means a cord or cords of thin filaments
23 used in interdental cleaning to remove debris and dental

1 plaque from between teeth.

2 "Fire department" means the duly authorized fire
3 protection organization of a unit of local government, a
4 Regional Fire Protection Agency, a fire protection district,
5 or a volunteer fire department.

6 "Intentionally added PFAS" means PFAS that are
7 deliberately added during the manufacture of a product if the
8 continued presence of the PFAS is desired in the final product
9 or desired in one of the product's components to perform a
10 specific function in the final product. "Intentionally added
11 PFAS" does not include PFAS that are present in the product due
12 to use of water containing PFAS if the manufacturer took no
13 action that resulted in the PFAS being present in the water.

14 "Intimate apparel" means garments intended to be worn
15 under clothes, usually with direct contact with skin.
16 "Intimate apparel" includes bras, boxers, briefs, shapewear,
17 sleepwear, thermals, loungewear, socks, and stockings.

18 "Juvenile product" means a product designed or marketed
19 for use by infants and children under 12 years of age.
20 "Juvenile product" includes a baby or toddler foam pillow,
21 bassinet, bedside sleeper, booster seat, changing pad, child
22 restraint system for use in a motor vehicle and aircraft,
23 co-sleeper, crib mattress, highchair, highchair pad, infant
24 bouncer, infant carrier, infant seat, infant sleep positioner,
25 infant swing, infant travel bed, infant walker, nap cot,
26 nursing pad, nursing pillow, play mat, playpen, play yard,

1 polyurethane foam mat, pad, or pillow, portable foam nap mat,
2 portable infant sleeper, portable hook-on chair, soft-sided
3 portable crib, stroller, and toddler mattress. "Juvenile
4 product" does not include: (1) a children's electronic
5 product, including a personal computer, audio and video
6 equipment, calculator, wireless phone, game console, handheld
7 device incorporating a video screen, or any associated
8 peripheral component, such as a mouse, keyboard, power supply
9 unit, or power cord; (2) an adult mattress; or (3) an internal
10 component of a product that does not come into direct contact
11 with a child's skin or mouth during reasonably foreseeable use
12 or abuse of the product.

13 "Local government" means a unit of local government or
14 other special purpose district that provides firefighting
15 services.

16 "Manufacturer" means a person that manufactures Class B
17 firefighting foam and any agents of that person, including an
18 importer, distributor, authorized servicer, factory branch, or
19 distributor branch.

20 "Menstrual product" means a product used to collect
21 menstruation and vaginal discharge, including tampons, pads,
22 sponges, menstruation underwear, disks, and menstrual cups,
23 whether disposable or reusable.

24 "Perfluoroalkyl substance or polyfluoroalkyl substance" or
25 "PFAS" means a class of fluorinated organic chemicals
26 containing at least one fully fluorinated carbon atom.

1 "Person" means any individual, partnership, association,
2 public or private corporation, limited liability company, or
3 any other type of legal or commercial entity, including, but
4 not limited to, members, managers, partners, directors, or
5 officers.

6 "Product" means an item that is manufactured, assembled,
7 packaged, or otherwise prepared for sale to consumers,
8 including, but not limited to, its product components, and
9 that is sold or distributed for personal, residential,
10 commercial, or industrial use. "Product" does not include:

11 (1) a prosthetic or orthotic device or any item that
12 is a medical device or drug or that is otherwise used in a
13 medical setting or in medical applications regulated by
14 the United States Food and Drug Administration;

15 (2) packaging for the items described in paragraph
16 (1); and

17 (3) products regulated by the Federal Insecticide,
18 Fungicide, and Rodenticide Act.

19 "Testing" means calibration testing, conformance testing,
20 and fixed system testing.

21 (Source: P.A. 102-290, eff. 8-6-21.)

22 (415 ILCS 170/45 new)

23 Sec. 45. Other banned products; other civil penalties;
24 enforcement.

25 (a) Beginning January 1, 2032, a person may not sell,

1 offer for sale, or distribute for sale in this State the
2 following products if the product contains intentionally added
3 PFAS:

- 4 (1) cosmetics;
5 (2) dental floss;
6 (3) juvenile products;
7 (4) menstrual products; or
8 (5) intimate apparel.

9 (b) Subsection (a) of this Section does not apply to:

10 (1) a product for which federal law governs the
11 presence in the product of a perfluoroalkyl substance or
12 polyfluoroalkyl substance in a manner that preempts State
13 authority;

- 14 (2) used products offered for sale or resale;
15 (3) an electronic or internal component of a product;

16 or

17 (4) refrigerants, foams, and aerosol propellants that
18 are listed as acceptable, acceptable subject to use
19 conditions, or acceptable subject to narrowed use limits
20 by the United States Environmental Protection Agency
21 pursuant to the Significant New Alternatives Policy
22 Program, 40 CFR 82, Subpart G, as long as the refrigerant,
23 foam, or aerosol propellant is sold, offered for sale, or
24 distributed for sale for the use for which it is listed
25 pursuant to that program, except to the extent the items
26 described in this paragraph (4) are used in personal care

1 products.

2 (c) By August 1, 2027, the Agency shall submit a report to
3 the General Assembly that includes an assessment of statutory
4 and regulatory authority, administrative infrastructure,
5 research capabilities, and funding necessary to develop and
6 implement a program for the review of fluoropolymers used in
7 consumer products and their potential threat to human health
8 and the environment. The report shall include an assessment of
9 available scientific data regarding fluoropolymers, as well as
10 an assessment of other State or federal statutory or
11 regulatory actions taken regarding fluoropolymers. The report
12 shall also include an assessment of potential critical uses of
13 fluoropolymers and their relation to the supply chain. In this
14 subsection, "fluoropolymers" means fluoropolymers consisting
15 of polymeric substances for which the backbone of the polymer
16 is either a perfluorinated or polyfluorinated carbon-only
17 backbone or a perfluorinated polyether.

18 (d) A person, other than a manufacturer subject to Section
19 35 of this Act, who knowingly violates this Section is subject
20 to a civil penalty not to exceed \$5,000 for the first violation
21 and a civil penalty not to exceed \$10,000 for each subsequent
22 violation. Civil penalties collected under this Section must
23 be deposited into the Environmental Protection Trust Fund to
24 be used in accordance with the provisions of the Environmental
25 Protection Trust Fund Act.

26 (e) This Act and the civil penalties in this Act may be

1 enforced by the Attorney General or the State's Attorney of
2 the county where the violation occurs by bringing an action in
3 the name of the People of the State of Illinois in a court of
4 competent jurisdiction alleging a violation of this Act.
5 Nothing in this Act shall be construed to limit the Attorney
6 General or the State's Attorney of the county where the
7 violation occurs from seeking equitable remedies or other
8 remedies in common law, in State or federal statute, or in
9 State or federal rules or regulations to enforce this Act or to
10 remedy harm from any action or omission in violation of this
11 Act or in violation of common law, State or federal statute, or
12 State or federal rules or regulations.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.