

AN ACT concerning safety.

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

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

(415 ILCS 170/5)

Sec. 5. Definitions. In this Act:

"Agency" means the Illinois Environmental Protection Agency.

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

"Cosmetics" means products that are:

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

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

"Cosmetics" includes soap.

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

plaque from between teeth.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(415 ILCS 170/45 new)

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

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

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

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

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

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

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

or

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

products.

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

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

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

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

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