

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 "Cookware" means durable houseware items used to prepare,
14 dispense, or store food, foodstuffs, or beverages. "Cookware"
15 includes pots, pans, skillets, grills, baking sheets, baking
16 molds, trays, bowls, and cooking utensils.

17 "Cosmetics" means articles:

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

23 (2) intended for use as a component of any article

1 under paragraph (1).

2 "Cosmetics" includes soap.

3 "Dental floss" means a cord or cords of thin filaments
4 used in interdental cleaning to remove debris and dental
5 plaque from between teeth.

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

10 "Food packaging" means (i) packaging that is intended for
11 direct food contact or (ii) a component of packaging that is
12 intended for direct food contact.

13 "Intentionally added PFAS" means PFAS deliberately added
14 during the manufacture of a product in which the continued
15 presence of the PFAS is desired in the final product or one of
16 the product's components to perform a specific function in the
17 final product. "Intentionally added PFAS" does not include
18 PFAS if the chemical is present in the product due to use of
19 water containing PFAS and if the manufacturer took no action
20 that resulted in the PFAS being present in the water.

21 "Intimate apparel" means garments intended to be worn
22 under clothes, usually with direct contact with skin.

23 "Intimate apparel" includes bras, boxers, briefs, shapewear,
24 sleepwear, thermals, loungewear, socks, and stockings.

25 "Juvenile product" means a product designed or marketed
26 for use by infants and children under 12 years of age.

1 "Juvenile product" includes a baby or toddler foam pillow,
2 bassinet, bedside sleeper, booster seat, changing pad, child
3 restraint system for use in a motor vehicle and aircraft,
4 co-sleeper, crib mattress, highchair, highchair pad, infant
5 bouncer, infant carrier, infant seat, infant sleep positioner,
6 infant swing, infant travel bed, infant walker, nap cot,
7 nursing pad, nursing pillow, play mat, playpen, play yard,
8 polyurethane foam mat, pad, or pillow, portable foam nap mat,
9 portable infant sleeper, portable hook-on chair, soft-sided
10 portable crib, stroller, and toddler mattress. "Juvenile
11 product" does not include a children's electronic product,
12 including a personal computer, audio and video equipment,
13 calculator, wireless phone, game console, handheld device
14 incorporating a video screen, or any associated peripheral,
15 such as a mouse, keyboard, power supply unit, power cord,
16 adult mattress, or an internal component of a product that
17 would not come into direct contact with a child's skin or mouth
18 during reasonably foreseeable use and abuse of the product.

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

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

26 "Menstrual product" means a product used to collect

1 menstruation and vaginal discharge, including tampons, pads,
2 sponges, menstruation underwear, disks, and menstrual cups,
3 whether disposable or reusable.

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

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

12 "Product" means an item manufactured, assembled, packaged,
13 or otherwise prepared for sale to consumers, including, but
14 not limited to, its product components, sold or distributed
15 for personal, residential, commercial, or industrial use.

16 "Product" does not include:

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

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

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

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

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

2 (415 ILCS 170/45 new)

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

5 (a) Beginning January 1, 2032, a person may not sell,
6 offer for sale, or distribute for sale in this State the
7 following products if the product contains intentionally added
8 PFAS:

9 (1) cookware;

10 (2) cosmetics;

11 (3) dental floss;

12 (4) juvenile products;

13 (5) menstrual products;

14 (6) intimate apparel; or

15 (7) food packaging.

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

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

21 (2) used products offered for sale or resale;

22 (3) a product that contains fluoropolymers consisting
23 of polymeric substances for which the backbone of the
24 polymer is either a perfluorinated or polyfluorinated
25 carbon-only backbone or a perfluorinated polyether

1 backbone that is a solid at standard temperature and
2 pressure if that product has received approval from the
3 Agency that the intended use of the fluoropolymer will not
4 harm public health or the environment;

5 (4) an electronic or internal component of a product;

6 or

7 (5) refrigerants, foams, and aerosol propellants that
8 are listed as acceptable, acceptable subject to use
9 conditions, or acceptable subject to narrowed use limits
10 by the United States Environmental Protection Agency
11 pursuant to the Significant New Alternatives Policy
12 Program, 40 CFR 82, Subpart G, as long as the refrigerant,
13 foam, or aerosol propellant is sold, offered for sale, or
14 distributed for sale for the use for which it is listed
15 pursuant to that program, except to the extent the items
16 described in this paragraph (5) are used in personal care
17 products.

18 (c) 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 (d) 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.