

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 24-0786.01 Sarah Lozano x3858

SENATE BILL 24-081

SENATE SPONSORSHIP

Cutter,

HOUSE SPONSORSHIP

Kipp and Rutinel,

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO INCREASE PROTECTIONS FROM
102 PERFLUOROALKYL AND POLYFLUOROALKYL CHEMICALS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law prohibits the sale or distribution of class B firefighting foam that contains perfluoroalkyl and polyfluoroalkyl chemicals (PFAS chemicals). **Section 1** of the bill, on and after January 1, 2025, repeals the exemption from the prohibition for gasoline distribution facilities, refineries, and chemical plants.

Current law also prohibits the sale or distribution of products in

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
Amended 2nd Reading
March 22, 2024

certain product categories on and after certain dates if the products contain intentionally added PFAS chemicals (product phaseout timeline). Current law exempts from the definition of "product" drugs, medical devices, biologics, or diagnostics (medical products) approved or authorized by the federal food and drug administration or the federal department of agriculture (applicable federal agencies), but not medical products cleared by the applicable federal agencies. The bill changes current law by:

- Clarifying that medical products cleared by the applicable federal agencies are also exempted from the definition of "product" (**section 4**);
- On and after January 1, 2025, prohibiting the sale or distribution of certain outdoor apparel intended for extreme or extended use in severe wet conditions (outdoor apparel for severe wet conditions) that contains intentionally added PFAS chemicals unless the product is accompanied by a disclosure that states that the product contains PFAS chemicals (disclosure requirement) (**section 5**);
- On and after January 1, 2025, as part of the product phaseout timeline, banning the sale or distribution of cleaning products, cookware, dental floss, menstruation products, ski wax, and textile articles that contain intentionally added PFAS chemicals (**section 5**);
- On and after January 1, 2028, repealing the disclosure requirement and banning the sale or distribution of outdoor apparel for severe wet conditions that contains intentionally added PFAS chemicals (**section 5**);
- On and after January 1, 2032, repealing the product phaseout timeline (**section 5**) and prohibiting the sale or distribution of any nonexempted product that contains intentionally added PFAS chemicals (**section 6**); and
- On and after July 1, 2024, prohibiting a person from installing artificial turf that contains intentionally added PFAS chemicals on any portion of property in the state (**section 6**).

1 *Be it enacted by the General Assembly of the State of Colorado:*

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3 **SECTION 1.** In Colorado Revised Statutes, **amend** 25-15-601 as
4 follows:

5 **25-15-601. Short title.** The short title of this part 6 is the

1 "Perfluoroalkyl and Polyfluoroalkyl Chemicals ~~Consumer~~ Protection
2 Act".

3 **SECTION 2.** In Colorado Revised Statutes, 25-15-602, **amend**
4 (1) introductory portion, (1)(f) introductory portion, and (2) as follows:

5 **25-15-602. Legislative declaration.** (1) The general assembly
6 ~~hereby~~ finds and declares that:

7 (f) If the widespread sale and distribution of products that contain
8 intentionally added PFAS chemicals ~~continues~~ AND THE INSTALLATION OF
9 ARTIFICIAL TURF THAT CONTAINS INTENTIONALLY ADDED PFAS
10 CHEMICALS CONTINUE in the state:

11 (2) The general assembly therefore determines and declares that
12 it is imperative for the health and safety of the state's residents to create
13 a regulatory scheme that:

14 (a) Phases out the sale or distribution of certain products and
15 product categories in the state that contain intentionally added PFAS
16 chemicals; AND

17 (b) PROHIBITS THE INSTALLATION OF ARTIFICIAL TURF THAT
18 CONTAINS INTENTIONALLY ADDED PFAS CHEMICALS.

19 **SECTION 3.** In Colorado Revised Statutes, 25-15-603, **amend**
20 (20)(c); repeal (6) and (8); and **add** (1.5), (4)(c), (16.5), (16.7), (23.5),
21 and (24.5) as follows:

22 **25-15-603. Definitions - repeal.** As used in this part 6, unless the
23 context otherwise requires:

24 (1.5) "APPAREL" MEANS:

25 (a) CLOTHING ITEMS INTENDED FOR REGULAR WEAR OR FORMAL
26 OCCASIONS, INCLUDING ATHLETIC WEAR, BIBS, BODYSUITS, COSTUMES,
27 DANCEWEAR, DIAPERS, DRESSES, EVERYDAY SWIMWEAR, EVERYDAY WORK

1 UNIFORMS, FOOTWEAR, FORMAL WEAR, LEGGINGS, LEISUREWEAR, ONESIES,
2 OVERALLS, PANTS, SARIS, SCARVES, SCHOOL UNIFORMS, SHIRTS, SKIRTS,
3 SPORTS UNIFORMS, SUITS, TOPS, UNDERGARMENTS, AND VESTS; AND

4 (b) OUTDOOR APPAREL.

5

6 (4) (c) "COOKWARE" DOES NOT INCLUDE FOOD EQUIPMENT
7 INTENDED PRIMARILY FOR USE IN COMMERCIAL SETTINGS, INCLUDING
8 FOOD EQUIPMENT SOLD TO A BUSINESS THAT HAS A RETAIL FOOD
9 ESTABLISHMENT LICENSE.

10 (6) ~~"Department" means the Colorado department of public health~~
11 ~~and environment.~~

12 (8) ~~"Executive director" means the executive director of the~~
13 ~~department or the executive director's designee.~~

14 (16.5) (a) "OUTDOOR APPAREL" MEANS APPAREL INTENDED
15 PRIMARILY FOR USE IN OUTDOOR ACTIVITIES, INCLUDING BICYCLING,
16 CAMPING, CLIMBING, FISHING, HIKING, AND SKIING.

17 (b) "OUTDOOR APPAREL" DOES NOT INCLUDE OUTDOOR APPAREL
18 FOR SEVERE WET CONDITIONS.

19 (16.7) (a) "OUTDOOR APPAREL FOR SEVERE WET CONDITIONS"
20 MEANS OUTDOOR APPAREL THAT IS:

21 (I) AN EXTREME AND EXTENDED USE PRODUCT THAT PROVIDES
22 PROTECTION AGAINST EXTENDED EXPOSURE TO EXTREME RAIN
23 CONDITIONS OR AGAINST EXTENDED IMMERSION IN WATER OR WET
24 CONDITIONS, SUCH AS SNOW CONDITIONS, IN ORDER TO PROTECT THE
25 HEALTH AND SAFETY OF THE USER;

26 (II) DESIGNED FOR USE BY OUTDOOR SPORTS EXPERTS; AND

27 (III) NOT MARKETED FOR GENERAL CONSUMER USE.

1 (b) "OUTDOOR APPAREL FOR SEVERE WET CONDITIONS" INCLUDES
2 OUTERWEAR INTENDED FOR USE IN OFFSHORE FISHING, OFFSHORE SAILING,
3 WHITEWATER KAYAKING, AND MOUNTAINEERING.

4 (c) "OUTDOOR APPAREL FOR SEVERE WET CONDITIONS" DOES NOT
5 INCLUDE PERSONAL FLOTATION DEVICES MADE FOR THE HEALTH AND
6 SAFETY OF THE USER.

7 (20) (c) "Product" does not include:

8 (I) Drugs, medical devices, biologics, or diagnostics approved or
9 authorized USED IN A MEDICAL SETTING OR IN MEDICAL APPLICATIONS
10 REGULATED by the federal food and drug administration; or the federal
11 department of agriculture; or

12 (II) Veterinary pesticide AND PARASITICIDE products approved by
13 the federal environmental protection agency OR THE FEDERAL
14 DEPARTMENT OF AGRICULTURE for use in animals; or

15 (II.5) BIOLOGICS OR DIAGNOSTICS APPROVED BY THE FEDERAL
16 DEPARTMENT OF AGRICULTURE FOR USE IN A VETERINARY SETTING OR IN
17 VETERINARY APPLICATIONS; OR

18 (III) Packaging used for the products described in subsections
19 (20)(c)(I), and (20)(c)(II), OR (20)(c)(II.5) of this section.

20 (23.5) "SKI WAX" MEANS A LUBRICANT APPLIED TO THE BOTTOM
21 OF SNOW RUNNERS, INCLUDING SKIS AND SNOWBOARDS, TO IMPROVE THE
22 GRIP OR GLIDE PROPERTIES OF THE SNOW RUNNERS.

23 (24.5) (a) "TEXTILE ARTICLE" MEANS A TEXTILE THAT IS
24 PRIMARILY USED IN HOUSEHOLDS AND BUSINESSES.

25 (b) "TEXTILE ARTICLE" INCLUDES ACCESSORIES, APPAREL,
26 BACKPACKS, AND HANDBAGS.

27 (c) "TEXTILE ARTICLE" DOES NOT INCLUDE:

- 1 (I) OUTDOOR APPAREL FOR SEVERE WET CONDITIONS;
2 (II) OUTDOOR TEXTILE FURNISHINGS;
3 (III) OUTDOOR UPHOLSTERED FURNITURE; AND
4 (IV) TEXTILE ARTICLES USED IN MEDICAL, PROFESSIONAL, OR
5 INDUSTRIAL SETTINGS.

6 **SECTION 4.** In Colorado Revised Statutes, 25-15-604, add
7 (2)(g), (2.5), (3.5), and (5) as follows:

8 **25-15-604. Prohibition on the sale or distribution of certain**
9 **products that contain intentionally added PFAS chemicals - product**
10 **disclosure requirements - repeal.** (2) (g) THIS SUBSECTION (2) IS
11 REPEALED, EFFECTIVE JANUARY 1, 2026.

12 (2.5) (a) ON AND AFTER JANUARY 1, 2025, A PERSON SHALL NOT
13 SELL, OFFER FOR SALE, DISTRIBUTE FOR SALE, OR DISTRIBUTE FOR USE IN
14 THE STATE, INCLUDING IN AN INTERNET LISTING OR TRANSACTION, AN
15 OUTDOOR APPAREL FOR SEVERE WET CONDITIONS PRODUCT THAT
16 CONTAINS INTENTIONALLY ADDED PFAS CHEMICALS UNLESS THE
17 PRODUCT IS ACCOMPANIED BY A LEGIBLE AND EASILY DISCERNIBLE
18 DISCLOSURE THAT INCLUDES THE PHRASE "MADE WITH PFAS CHEMICALS".

19 (b) THIS SUBSECTION (2.5) IS REPEALED, EFFECTIVE JANUARY 1,
20 2028.

21 =====
22 (3.5) ON AND AFTER JANUARY 1, 2026, A PERSON SHALL NOT SELL,
23 OFFER FOR SALE, DISTRIBUTE FOR SALE, OR DISTRIBUTE FOR USE IN THE
24 STATE THE FOLLOWING PRODUCTS THAT CONTAIN INTENTIONALLY ADDED
25 PFAS CHEMICALS:

26 (a) COOKWARE;

27 (b) DENTAL FLOSS;

1 (c) MENSTRUATION PRODUCTS; AND

2 (d) SKI WAX.

3 (5) ON AND AFTER JANUARY 1, 2028, A PERSON SHALL NOT SELL,
4 OFFER FOR SALE, DISTRIBUTE FOR SALE, OR DISTRIBUTE FOR USE THE
5 FOLLOWING PRODUCTS THAT CONTAIN INTENTIONALLY ADDED PFAS
6 CHEMICALS:

7 (a) TEXTILE ARTICLES;

8 (b) OUTDOOR APPAREL FOR SEVERE WET CONDITIONS; AND

9 (c) FOOD EQUIPMENT INTENDED PRIMARILY FOR USE IN
10 COMMERCIAL SETTINGS THAT COMES INTO DIRECT CONTACT WITH FOOD.

11

12 **SECTION 5.** In Colorado Revised Statutes, add 25-15-605 as
13 follows:

14 **25-15-605. Prohibition on the installation of artificial turf that**
15 **contains intentionally added PFAS chemicals.** (1) ON AND AFTER
16 JANUARY 1, 2026, A PERSON SHALL NOT INSTALL ARTIFICIAL TURF THAT
17 CONTAINS INTENTIONALLY ADDED PFAS CHEMICALS ON ANY PORTION OF
18 PROPERTY IN THE STATE.

19 (2) NOTHING IN THIS SECTION PROHIBITS A PERSON FROM
20 MAINTAINING ARTIFICIAL TURF INSTALLED BEFORE JANUARY 1, 2026.

21 **SECTION 6. Safety clause.** The general assembly finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety or for appropriations for
24 the support and maintenance of the departments of the state and state
25 institutions.