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SENATE BILL 24-081

BY SENATOR(S) Cutter, Bridges, Buckner, Coleman, Danielson, Exum, Gonzales, Jaquez Lewis, Kolker, Michaelson Jenet, Priola, Winter F.; also REPRESENTATIVE(S) Kipp and Rutinel, Amabile, Bacon, Boesenecker, deGruy Kennedy, Duran, Froelich, Garcia, Herod, Joseph, Lindsay, Mabrey, Marvin, McCormick, Sirota, Snyder, Story, Titone, Valdez, Velasco, Vigil, Willford, Woodrow.

CONCERNING MEASURES TO INCREASE PROTECTIONS FROM PERFLUOROALKYL AND POLYFLUOROALKYL CHEMICALS.

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

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

25-15-601. Short title. The short title of this part 6 is the "Perfluoroalkyl and Polyfluoroalkyl Chemicals ~~Consumer~~ Protection Act".

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

25-15-602. Legislative declaration. (1) The general assembly

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

hereby finds and declares that:

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

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

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

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

SECTION 3. In Colorado Revised Statutes, 25-15-603, **amend** (20)(c); **repeal** (6) and (8); and **add** (1.5), (1.7), (2.5), (4)(c), (16.5), (16.7), (23.5), and (24.5) as follows:

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

(1.5) "APPAREL" MEANS:

(a) CLOTHING ITEMS INTENDED FOR REGULAR WEAR OR FORMAL OCCASIONS, INCLUDING ATHLETIC WEAR, BIBS, BODYSUITS, COSTUMES, DANCEWEAR, DIAPERS, DRESSES, EVERYDAY SWIMWEAR, EVERYDAY WORK UNIFORMS, FOOTWEAR, FORMAL WEAR, LEGGINGS, LEISUREWEAR, ONESIES, OVERALLS, PANTS, SARIS, SCARVES, SCHOOL UNIFORMS, SHIRTS, SKIRTS, SPORTS UNIFORMS, SUITS, TOPS, UNDERGARMENTS, AND VESTS; AND

(b) OUTDOOR APPAREL.

(1.7)(a) "AUTOMOTIVE CLEANING PRODUCT" MEANS A CHEMICALLY FORMULATED CONSUMER PRODUCT LABELED TO INDICATE THAT THE PURPOSE OF THE PRODUCT IS TO MAINTAIN THE APPEARANCE OF A MOTOR VEHICLE, INCLUDING PRODUCTS FOR WASHING, WAXING, POLISHING,

CLEANING, OR TREATING THE EXTERIOR OR INTERIOR SURFACES OF MOTOR VEHICLES.

(b) "AUTOMOTIVE CLEANING PRODUCT" DOES NOT INCLUDE AUTOMOTIVE PAINT OR PAINT REPAIR PRODUCTS.

(2.5) (a) "CLEANING PRODUCT" MEANS A FINISHED PRODUCT USED PRIMARILY FOR DOMESTIC, COMMERCIAL, OR INSTITUTIONAL CLEANING PURPOSES.

(b) "CLEANING PRODUCT" INCLUDES AN AIR CARE PRODUCT, AN AUTOMOTIVE CLEANING PRODUCT, A GENERAL CLEANING PRODUCT, AND A POLISH OR FLOOR MAINTENANCE PRODUCT.

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

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

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

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

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

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

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

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

(III) NOT MARKETED FOR GENERAL CONSUMER USE.

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

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

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

(I) Drugs, medical devices, biologics, or diagnostics ~~approved or authorized~~ USED IN A MEDICAL SETTING OR IN MEDICAL APPLICATIONS REGULATED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION; ~~or the federal department of agriculture; or~~

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

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

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

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

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

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

(c) "TEXTILE ARTICLE" DOES NOT INCLUDE:

(I) OUTDOOR APPAREL FOR SEVERE WET CONDITIONS;

(II) OUTDOOR TEXTILE FURNISHINGS;

(III) OUTDOOR UPHOLSTERED FURNITURE; AND

(IV) TEXTILE ARTICLES USED IN MEDICAL, PROFESSIONAL, OR INDUSTRIAL SETTINGS.

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

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

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

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

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

(a) CLEANING PRODUCTS, EXCEPT FOR CLEANING PRODUCTS THAT ARE FLOOR MAINTENANCE PRODUCTS USED IN HOSPITAL OR MEDICAL SETTINGS;

(b) COOKWARE;

- (c) DENTAL FLOSS;
- (d) MENSTRUATION PRODUCTS; AND
- (e) SKI WAX.

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

- (a) CLEANING PRODUCTS THAT ARE FLOOR MAINTENANCE PRODUCTS USED IN HOSPITAL OR MEDICAL SETTINGS;
- (b) TEXTILE ARTICLES;
- (c) OUTDOOR APPAREL FOR SEVERE WET CONDITIONS; AND
- (d) FOOD EQUIPMENT INTENDED PRIMARILY FOR USE IN COMMERCIAL SETTINGS THAT COMES INTO DIRECT CONTACT WITH FOOD.

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

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

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

SECTION 6. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate

preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO