

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

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.

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:*

2 **SECTION 1.** In Colorado Revised Statutes, 25-5-1303, **amend**
3 (2) introductory portion, (2)(b), and (2)(c) as follows:

4 **25-5-1303. Restriction on sale of certain firefighting foams -**
5 **exemptions - repeal.** (2) NOTWITHSTANDING SECTION 25-15-605, the

1 restrictions in subsection (1) of this section do not apply to the
2 manufacture, sale, or distribution of class B firefighting foam:

3 (b) For use at a gasoline, special fuel, or jet fuel storage and
4 distribution facility that is supplied by a pipeline, vessel, or refinery; a
5 tank farm from which gasoline, special fuel, or jet fuel may be removed
6 for distribution; or a refinery. THIS SUBSECTION (2)(b) IS REPEALED,
7 EFFECTIVE JANUARY 1, 2025.

8 (c) For use at a chemical plant. ~~and~~ THIS SUBSECTION (2)(c) IS
9 REPEALED, EFFECTIVE JANUARY 1, 2025.

10 **SECTION 2.** In Colorado Revised Statutes, **amend** 25-15-601 as
11 follows:

12 **25-15-601. Short title.** The short title of this part 6 is the
13 "Perfluoroalkyl and Polyfluoroalkyl Chemicals ~~Consumer~~ Protection
14 Act".

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

17 **25-15-602. Legislative declaration.** (1) The general assembly
18 ~~hereby~~ finds and declares that:

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

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

26 (a) PHASE out AND EVENTUALLY PROHIBIT the sale or distribution
27 of ~~certain~~ products ~~and product categories~~ in the state that contain

1 intentionally added PFAS chemicals; AND

2 (b) PROHIBIT THE INSTALLATION OF ARTIFICIAL TURF THAT
3 CONTAINS INTENTIONALLY ADDED PFAS CHEMICALS.

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

7 **25-15-603. Definitions - repeal.** As used in this part 6, unless the
8 context otherwise requires:

9 (1.5) "APPAREL" MEANS:

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

16 (b) OUTDOOR APPAREL.

17 (2.5) (a) "CLEANING PRODUCT" MEANS A FINISHED PRODUCT USED
18 PRIMARILY FOR DOMESTIC, COMMERCIAL, OR INSTITUTIONAL CLEANING
19 PURPOSES.

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

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

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

27 (16.5) (a) "OUTDOOR APPAREL" MEANS APPAREL INTENDED

1 PRIMARILY FOR USE IN OUTDOOR ACTIVITIES, INCLUDING BICYCLING,
2 CAMPING, CLIMBING, FISHING, HIKING, AND SKIING.

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

5 (16.7) (a) "OUTDOOR APPAREL FOR SEVERE WET CONDITIONS"
6 MEANS OUTDOOR APPAREL THAT IS:

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

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

13 (III) NOT MARKETED FOR GENERAL CONSUMER USE.

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

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

18 (I) Drugs, medical devices, biologics, or diagnostics approved,
19 CLEARED, or authorized by the federal food and drug administration or the
20 federal department of agriculture; or

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

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

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

- 1 (c) "TEXTILE ARTICLE" DOES NOT INCLUDE:
2 (I) OUTDOOR APPAREL FOR SEVERE WET CONDITIONS;
3 (II) OUTDOOR TEXTILE FURNISHINGS;
4 (III) OUTDOOR UPHOLSTERED FURNITURE; AND
5 (IV) TEXTILE ARTICLES USED IN MEDICAL, PROFESSIONAL, OR
6 INDUSTRIAL SETTINGS.

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

9 **25-15-604. Prohibition on the sale or distribution of certain**
10 **products that contain intentionally added PFAS chemicals - product**
11 **disclosure requirements - repeal.** (2) (g) THIS SUBSECTION (2) IS
12 REPEALED, EFFECTIVE JANUARY 1, 2025.

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

20 (b) THIS SUBSECTION (2.5) IS REPEALED, EFFECTIVE JANUARY 1,
21 2028.

22 (3) On and after January 1, 2025, a person shall not sell, offer for
23 sale, distribute for sale, or distribute for use the following products that
24 contain intentionally added PFAS chemicals:

- 25 (a) CLEANING PRODUCTS;
26 (b) COOKWARE;
27 ~~(a)~~ (c) Cosmetics;

- 1 (d) DENTAL FLOSS;
- 2 ~~(b)~~ (e) Indoor textile furnishings; and
- 3 ~~(c)~~ (f) Indoor upholstered furniture;
- 4 (g) MENSTRUATION PRODUCTS;
- 5 (h) SKI WAX; AND
- 6 (i) TEXTILE ARTICLES.

7 (5) ON AND AFTER JANUARY 1, 2028, A PERSON SHALL NOT SELL,
8 OFFER FOR SALE, DISTRIBUTE FOR SALE, OR DISTRIBUTE FOR USE AN
9 OUTDOOR APPAREL FOR SEVERE WET CONDITIONS PRODUCT THAT
10 CONTAINS INTENTIONALLY ADDED PFAS CHEMICALS.

11 (6) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2032.

12 **SECTION 6.** In Colorado Revised Statutes, **add** 25-15-605 and
13 25-15-606 as follows:

14 **25-15-605. Prohibition on the sale or distribution of consumer**
15 **products that contain intentionally added PFAS chemicals.** (1) ON
16 AND AFTER JANUARY 1, 2032, A PERSON SHALL NOT SELL, OFFER FOR SALE,
17 DISTRIBUTE FOR SALE, OR DISTRIBUTE FOR USE IN THE STATE ANY
18 PRODUCT THAT CONTAINS INTENTIONALLY ADDED PFAS CHEMICALS,
19 INCLUDING, BUT NOT LIMITED TO, ANY PRODUCT IN THE FOLLOWING
20 PRODUCT CATEGORIES:

- 21 (a) CARPETS OR RUGS;
- 22 (b) CLEANING PRODUCTS;
- 23 (c) COOKWARE;
- 24 (d) COSMETICS;
- 25 (e) DENTAL FLOSS;
- 26 (f) FABRIC TREATMENTS;
- 27 (g) FOOD PACKAGING;

- 1 (h) JUVENILE PRODUCTS;
- 2 (i) MENSTRUATION PRODUCTS;
- 3 (j) OIL AND GAS PRODUCTS;
- 4 (k) OUTDOOR APPAREL FOR SEVERE WET CONDITIONS;
- 5 (l) SKI WAX;
- 6 (m) TEXTILE ARTICLES;
- 7 (n) TEXTILE FURNISHINGS; AND
- 8 (o) UPHOLSTERED FURNITURE.

9 **25-15-606. Prohibition on the installation of artificial turf that**
10 **contains intentionally added PFAS chemicals.** (1) ON AND AFTER JULY
11 1, 2024, A PERSON SHALL NOT INSTALL ARTIFICIAL TURF THAT CONTAINS
12 INTENTIONALLY ADDED PFAS CHEMICALS ON ANY PORTION OF PROPERTY
13 IN THE STATE.

14 (2) NOTHING IN THIS SECTION PROHIBITS A PERSON FROM
15 MAINTAINING ARTIFICIAL TURF INSTALLED BEFORE JULY 1, 2024.

16 **SECTION 7. Safety clause.** The general assembly finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, or safety or for appropriations for
19 the support and maintenance of the departments of the state and state
20 institutions.