An act to add Chapter 13.5 (commencing with Section 108970) to Part 3 of Division 104 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1817, as introduced, Ting. Product safety: textile articles: perfluoroalkyl and polyfluoroalkyl substances (PFAS).

Existing law prohibits, beginning January 1, 2023, any person from distributing, selling, or offering for sale in the state any food packaging that contains regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS, as defined, and requires a manufacturer to use the least toxic alternative when replacing regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS in food packaging to comply with this requirement. Existing law similarly prohibits, beginning July 1, 2023, a person from selling or distributing in commerce in this state any new, not previously owned, juvenile product, as defined, that contains regulated PFAS chemicals.

This bill would prohibit, beginning January 1, 2024, any person from distributing, selling, or offering for sale in the state any textile articles that contain regulated PFAS, and requires a manufacturer to use the least toxic alternative when replacing regulated PFAS in textile articles to comply with these provisions.
The people of the State of California do enact as follows:

SECTION 1. Chapter 13.5 (commencing with Section 108970) is added to Part 3 of Division 104 of the Health and Safety Code, to read:

Chapter 13.5. Textile Articles

108970. For purposes of this article, the following terms have the following definitions:

(a) “Apparel” means either of the following:

(1) Clothing items intended for regular wear or formal occasions, including, but not limited to, undergarments, shirts, pants, skirts, dresses, overalls, bodysuits, vests, dancewear, suits, saris, scarves, tops, leggings, school uniforms, leisurewear, everyday swimwear, formal wear, onesies, bibs, diapers, footwear, and everyday uniforms for workwear. Clothing items intended for regular wear or formal occasions does not include personal protective equipment for industrial applications.

(2) Clothing items intended primarily for outdoor activities, including, but not limited to, hiking, camping, skiing, climbing, bicycling, and fishing.

(b) “Manufacturer” has the same meaning as that term is defined in Section 108952.

(c) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(d) “Regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS” means either of the following:

(1) PFAS that a manufacturer has intentionally added to a product and that have a functional or technical effect in the product, including the PFAS components of intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect in the product.
The presence of PFAS in a product or product component at or above the practical quantitation limit, as measured in total organic fluorine.

(e) “Textile” means any item made in whole or part from a natural, manmade, or synthetic fiber, yarn, or fabric, and includes, but is not limited to, leather, cotton, silk, jute, hemp, wool, viscose, nylon, or polyester.

(f) “Textile articles” means textile goods of a type customarily used in households and businesses, and include, but are not limited to, apparel, costumes and accessories, handbags, backpacks, draperies, furnishings, upholstery, beddings, towels, napkins, and tablecloths. “Textile articles” does not include carpets and rugs regulated under the Safer Consumer Products Program (Chapter 55 (commencing with Section 69501) of Division 4.5 of Title 22 of the California Code of Regulations).

(a) Commencing on January 1, 2024, no person shall distribute, sell, or offer for sale in the state any textile articles that contain regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS.

(b) A manufacturer shall use the least toxic alternative, including alternative design, when replacing regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS in textile articles to comply with this chapter.