

ASSEMBLY BILL

No. 1817

Introduced by Assembly Members Ting and Cristina Garcia
(Principal coauthor: Assembly Member Friedman)
(Coauthor: Senator Stern)

February 7, 2022

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.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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.

1 (2) The presence of PFAS in a product or product component
2 at or above the practical quantitation limit, as measured in total
3 organic fluorine.

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

8 (f) “Textile articles” means textile goods of a type customarily
9 used in households and businesses, and include, but are not limited
10 to, apparel, costumes and accessories, handbags, backpacks,
11 draperies, furnishings, upholstery, beddings, towels, napkins, and
12 tablecloths. “Textile articles” does not include carpets and rugs
13 regulated under the Safer Consumer Products Program (Chapter
14 55 (commencing with Section 69501) of Division 4.5 of Title 22
15 of the California Code of Regulations).

16 108971. (a) Commencing on January 1, 2024, no person shall
17 distribute, sell, or offer for sale in the state any textile articles that
18 contain regulated perfluoroalkyl and polyfluoroalkyl substances
19 or PFAS.

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