

AMENDED IN ASSEMBLY MARCH 29, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 652

Introduced by Assembly Member Friedman
(Principal coauthor: Assembly Member Ting)
(Coauthor: Assembly Member Muratsuchi)

February 12, 2021

An act to add Chapter 12.5 (commencing with Section 108945) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 652, as amended, Friedman. Product safety: juvenile products: chemicals: perfluoroalkyl and polyfluoroalkyl substances.

Existing law prohibits a person from manufacturing, selling, or distributing in commerce any bottle or cup that contains bisphenol A, at a detectable level above 0.1 parts per billion, if the bottle or cup is designed or intended to be filled with any liquid, food, or beverage intended primarily for consumption from that bottle or cup by children three years of age or younger. Existing law prohibits a person or entity from manufacturing, selling, or distributing in commerce any toy or child care article that contains di-(2-ethylhexyl) phthalate, dibutyl phthalate, or benzyl butyl phthalate, in concentrations exceeding 0.1%. Existing law prohibits a person from manufacturing, selling, or exchanging, having in their possession with intent to sell or exchange, or exposing or offering for sale or exchange to any retailer, any toy that is contaminated with a specified toxic substance.

This bill would, on and after July 1, 2023, prohibit a person, including a manufacturer, from selling or distributing in commerce in this state

any new, not previously owned, juvenile product, as defined, that contains *intentionally added* perfluoroalkyl and polyfluoroalkyl substances ~~(PFAS) at a detectable level above an unspecified amount.~~ (PFAS), *as defined*. The bill would establish requirements for manufacturers when replacing PFAS *chemicals* in juvenile products.

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 12.5 (commencing with Section 108945) is added to Part 3 of Division 104 of the Health and Safety Code, to read:

CHAPTER 12.5. JUVENILE PRODUCTS

108945. For purposes of this ~~chapter~~ *chapter*, the following ~~terms shall~~ *definitions* apply:

(a) “*Intentionally added PFAS*” means the presence or use of PFAS in a product or product component that has a functional or technical effect in the product or product component and is measured in total organic fluorine.

(b) “*Juvenile product*” means a product designed for use by infants and children under 12 years of age, including, but not limited to, a booster seat, changing pad, child restraint systems for use in motor vehicles and aircraft, floor playmat, highchair, highchair pad, infant bouncer, infant carrier, infant seat, infant swing, infant walker, nursing pad, nursing pillow, portable hook-on chair, stroller, and sleeping products, as defined in subdivision ~~(e)~~.
(d).

~~(b) “PFAS chemicals” means perfluoroalkyl and polyfluoroalkyl substances.~~

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

~~(e)~~
(d) “*Sleeping products*” means assembled products designed or intended primarily for children 12 years of age to nap or sleep on, including, but not limited to, polyurethane foam mats, pads, or

pillows, that may be covered or upholstered, including, but not limited to, any of the following items:

- (1) Portable foam nap mats.
- (2) Soft-sided portable cribs, which are framed enclosures with mesh or fabric side panels, floor, and foam padding.
- (3) Playpens, which are framed enclosures, hard or soft sides, flooring, and foam padding.
- (4) Play yards, which are portable framed enclosures with a foam pad bottom that may also have an attached bassinet.
- (5) Infant travel beds, which are lightweight portable sleeping accommodations with a foam pad.
- (6) Portable infant sleepers, which are portable accommodations with a foam pad that may be easily assembled and disassembled by folding or collapsing the structure.
- (7) Bassinets, which are small beds or baskets with a foam pad and raised edges designed primarily for infants.
- (8) Nap cots, which are narrow, elevated bed stands with a foam pad on top of the cot.
- (9) Infant sleep positioners, which are mats with side bolsters or wedges used to elevate an infant's head or keep an infant in a desired position while sleeping. The mats, side bolsters, or wedges may contain foam pads.
- (10) Bedside sleepers, which are framed enclosures with a foam pad that can attach to an adult-sized bed and are designed primarily for babies.
- (11) ~~Co-Sleepers~~, *Co-sleepers*, which are small foam structures placed in an adult-sized bed, designed to keep a baby from shifting in the bed and to allow a baby and adults to nap or sleep together in the same bed.
- (12) Baby or toddler foam pillows, which are foam pillows designed primarily for babies or toddlers.

108946. On and after July 1, 2023, a person, including, but not limited to, a manufacturer, shall not sell or distribute in commerce in this state any new, not previously owned, juvenile product that contains PFAS chemicals at a detectable level above _____ parts per billion. ~~intentionally added PFAS chemicals.~~

108947. (a) Manufacturers shall use the least toxic alternative when replacing PFAS chemicals in products in accordance with this chapter.

1 (b) Manufacturers shall not replace PFAS chemicals, pursuant
 2 to this chapter, with chemicals classified by the United States
 3 Environmental Protection Agency as carcinogenic to humans,
 4 likely to be carcinogenic to humans, or for which there is
 5 suggestive evidence of carcinogenic potential, or identified by the
 6 state to cause cancer as listed in the Safe Drinking Water and Toxic
 7 Enforcement Act of 1986 (Chapter 6.6 (commencing with Section
 8 25249.5) of Division 20) list of chemicals known to cause cancer
 9 or reproductive toxicity.

10 (c) Manufacturers shall not replace PFAS chemicals, pursuant
 11 to this chapter, with reproductive toxicants that cause birth defects,
 12 reproductive harm, or developmental harm as identified by the
 13 United States Environmental Protection Agency or listed in the
 14 Safe Drinking Water and Toxic Enforcement Act of 1986 (Chapter
 15 6.6 (commencing with Section 25249.5) of Division 20) list of
 16 chemicals known to cause cancer or reproductive toxicity.

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 19 REVISIONS: _____
 20 Heading—Line 3.
 21 _____