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PFAS UPDATE: STATE-BY-STATE CONSUMER PRODUCTS REGULATIONS, JULY 2023

Jul 18, 2023

This blog was originally published in July 2023. Visit our most up-to-date blog on state-by-state regulations for PFAS in consumer products >

Manufacturers, distributors, and retailers of consumer products across a broad spectrum of industries are being impacted by regulations regarding the presence of per- and polyfluoroalkyl substances ("PFAS") in their products. This area is rapidly developing as states create new laws, and the penalties and litigation risk for non-compliance can be significant.

PFAS BACKGROUND

PFAS is a family of chemicals comprised of somewhere between 5,000-12,000 compounds depending on the regulatory definition. According to the Agency for Toxic Substances and Disease Registry ("ATSDR"), PFAS have been reported in certain consumer products, including the following:

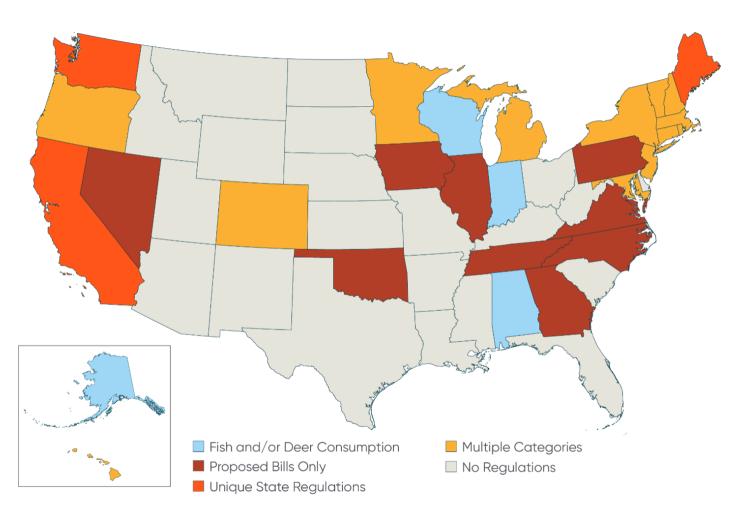
- "Some grease-resistant paper, fast food containers, microwave popcorn bags, pizza boxes, and candy wrappers;
- Stain resistant coatings used on carpets, upholstery, and other fabrics;
- Water resistant clothing;
- Cleaning products;
- Personal care products (shampoo, dental floss) and cosmetics (nail polish, eye makeup); and
- Paints, varnishes or sealants."

Some sources, including EPA, also report that certain PFAS chemicals accumulate both in the human body and animals after ingestion through water and food. Accordingly, some states have enacted health advisories limiting the consumption of animal meat and fish tissue.

SPECIFIC CONSUMER PRODUCT REGULATIONS

The map below is an overview of enacted and proposed state laws and regulations as of **July 12**, **2023**, to assist you in investigating whether your products may be impacted.

ENACTED AND PROPOSED PFAS CONSUMER PRODUCT REGULATIONS



As of July 13, 2023

The following drop down boxes identify the specific product categories each state regulates, but does not include the specific regulatory levels or requirements to avoid confusion because the structure and limits vary widely from state to state.

ALABAMA

PRODUCT CATEGORIES

Fish consumption

REGULATORY STATUS

Advisory

REFERENCE AND DETAILS

Alabama Department of Public Health ("ADPH") has issued limitations for fish consumption from one reservoir and two creeks

ADPH information

ALASKA

PRODUCT CATEGORIES

Fish consumption

REGULATORY STATUS

Advisory

REFERENCE AND DETAILS

Alaska Department of Fish & Game has issued a limitation for fish consumption in one lake

"Catch and Release" Order for Kimberly Lake

CALIFORNIA

PRODUCT CATEGORIES

Proposition 65: All consumer products sold to California consumers may require warnings if these products contain PFOA, PFOS, PFOS salts and transformation and degradation precursors, and PFNA and its salts above safe harbor levels.

REGULATORY STATUS

Enacted

REFERENCE AND DETAILS

27 CCR 27001

California's Office of Environmental Health Hazard Assessment information

PRODUCT CATEGORIES Cosmetics **REGULATORY STATUS Enacted** REFERENCE AND DETAILS AB 2762 **PRODUCT CATEGORIES** Cosmetics (additional) **REGULATORY STATUS** Enacted REFERENCE AND DETAILS AB 2771 **PRODUCT CATEGORIES** Cosmetics (additional) **REGULATORY STATUS** Proposed REFERENCE AND DETAILS AB 496 **PRODUCT CATEGORIES** Rugs and carpets **REGULATORY STATUS** Enacted

REFERENCE AND DETAILS

Regulation **DTSC Related Information PRODUCT CATEGORIES** Cookware and food packaging **REGULATORY STATUS Enacted** REFERENCE AND DETAILS AB 1200 **PRODUCT CATEGORIES** Children's products **REGULATORY STATUS** Enacted REFERENCE AND DETAILS AB 652 **PRODUCT CATEGORIES** Recycling **REGULATORY STATUS**

Enacted

SB 343

Composting

REFERENCE AND DETAILS

PRODUCT CATEGORIES

5

REGULATORY STATUS Enacted REFERENCE AND DETAILS AB 1201 PRODUCT CATEGORIES Textiles and apparel **REGULATORY STATUS** Enacted REFERENCE AND DETAILS AB 1817 **PRODUCT CATEGORIES** Treatments – converted textiles or leather **REGULATORY STATUS** Enacted REFERENCE AND DETAILS Regulation **DTSC Related Information** PRODUCT CATEGORIES Enforcement and penalties for juvenile products and food packaging **REGULATORY STATUS** Proposed REFERENCE AND DETAILS

AB 347

PRODUCT CATEGORIES

Menstrual products

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

AB 246

PRODUCT CATEGORIES

Artificial turf

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

AB 1423

COLORADO

PRODUCT CATEGORIES

- Carpets and rugs
- Fabric treatments
- Food packaging
- Children's products
- Oil and gas products
- Cookware certain labelling requirements
- Cosmetics
- Indoor and outdoor textile furnishings

REGULATORY STATUS
Enacted
REFERENCE AND DETAILS
HB22-1345
CONNECTICUT
PRODUCT CATEGORIES
Food packaging
REGULATORY STATUS
Enacted
REFERENCE AND DETAILS
Public Act No. 21-191
PRODUCT CATEGORIES
PRODUCT CATEGORIES Fish consumption
Fish consumption
Fish consumption REGULATORY STATUS
Fish consumption REGULATORY STATUS Advisory
Fish consumption REGULATORY STATUS Advisory REFERENCE AND DETAILS Connecticut Department of Public Health has issued limitations for fish consumption in numerous
Fish consumption REGULATORY STATUS Advisory REFERENCE AND DETAILS Connecticut Department of Public Health has issued limitations for fish consumption in numerous locations.
Fish consumption REGULATORY STATUS Advisory REFERENCE AND DETAILS Connecticut Department of Public Health has issued limitations for fish consumption in numerous locations. GEORGIA

Indoor and outdoor upholstered furniture

REFERENCE AND DETAILS

HB 257

PRODUCT CATEGORIES

Cosmetics

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

HB 390

HAWAII

PRODUCT CATEGORIES

Food packaging

REGULATORY STATUS

Enacted

REFERENCE AND DETAILS

HB 1644

PRODUCT CATEGORIES

- Food packaging
- Food service ware
- Cosmetics
- Personal care products

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

SB 504

ILLINOIS

PRODUCT CATEGORIES

- Cookware
- Carpets or rugs
- Fabric treatments
- Food packaging
- Juvenile treatments
- Oil and gas products
- Apparel
- Cosmetics
- Indoor and outdoor upholstered furniture
- Indoor and outdoor textile furnishings

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

SB 0088

PRODUCT CATEGORIES

Recycling

REGULATORY STATUS

Proposed REFERENCE AND DETAILS SB 0066 PRODUCT CATEGORIES Cosmetics **REGULATORY STATUS** Proposed REFERENCE AND DETAILS HB 1282 **INDIANA** PRODUCT CATEGORIES Fish consumption **REGULATORY STATUS** Advisory REFERENCE AND DETAILS Three state agencies have issued limitations for fish consumption from rivers, streams, and lakes for various contaminants, including PFOS substances. **IOWA** PRODUCT CATEGORIES

Food packaging

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

REFERENCE AND DETAILS

LD 264

LD 2019

MAINE PRODUCT CATEGORIES PFOS as a "Priority Chemical" in children's products **REGULATORY STATUS** Enacted REFERENCE AND DETAILS 38 M.S.R.A. §1693-A(1) 06-096 Chapter 890 **PRODUCT CATEGORIES** Food packaging **REGULATORY STATUS** Enacted REFERENCE AND DETAILS 32 M.S.R.A. §26A.1731-1738 **PRODUCT CATEGORIES Pesticides REGULATORY STATUS** Enacted

PRODUCT CATEGORIES Carpets, rugs, and fabric treatments **REGULATORY STATUS** Enacted REFERENCE AND DETAILS 38 M.S.R.A. 16 §1614 PRODUCT CATEGORIES Prohibit PFAS in all consumer products by 2030 Note: some requirements began on January 1, 2023 **REGULATORY STATUS** Enacted and proposed REFERENCE AND DETAILS 38 M.S.R.A. 16 §1614 Maine Department of Environmental Protection information **Proposed Rule**

LD 217

PRODUCT CATEGORIES

Fertilizer and composting

REGULATORY STATUS

Enacted

REFERENCE AND DETAILS

LD 1911

Deer and Wild Turkey restrictions				
REGULATORY STATUS				
Advisory				
REFERENCE AND DETAILS				
A "do not eat" restriction has been issued for one area (Fairfield).				
PRODUCT CATEGORIES				
Written notification for PFAS in consumer products				
REGULATORY STATUS				
Proposed				
REFERENCE AND DETAILS				
LD 1537				
MARYLAND				
PRODUCT CATEGORIES				
Cosmetics				
REGULATORY STATUS				
Enacted				
REFERENCE AND DETAILS				
HB 643				
PRODUCT CATEGORIES				
Food packaging				

Rugs and carpets

REGULATORY STATUS

Enacted
REFERENCE AND DETAILS
SB 273
PRODUCT CATEGORIES
Fish consumption
REGULATORY STATUS
Advisory
REFERENCE AND DETAILS
Maryland Department of the Environment has issued limitations for fish consumption in the Piscataway Creek.
PRODUCT CATEGORIES
Pesticides
REGULATORY STATUS
Enacted
REFERENCE AND DETAILS
SB 0158
PRODUCT CATEGORIES
Recycling
REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

HB 31

MASSACHUSETTS

PRODUCT CATEGORIES

Fish consumption

REGULATORY STATUS

Advisory

REFERENCE AND DETAILS

Massachusetts Department of the Environment has issued limitations for fish consumption in thirteen state parks

Mass.gov information

Press release

PRODUCT CATEGORIES

Food packaging

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

S 1431, H 3676 and H 767

PRODUCT CATEGORIES

Mosquito management

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

S 445

Child passenger restraints				
- Cookware				
Fabric treatments				
Personal care products				
Rugs and carpets				
Upholstered furniture				
Children's products				
Establish various dates, such as January 1, 2030, for stopping the inclusion of PFAS in a variety of consumer products				
REGULATORY STATUS				
Proposed				
REFERENCE AND DETAILS				
H 2197				
PRODUCT CATEGORIES				
Fertilizer				
REGULATORY STATUS				
Proposed				
REFERENCE AND DETAILS				
S 39				
PRODUCT CATEGORIES				
Children's products				
REGULATORY STATUS				

Proposed

REFERENCE AND DETAILS

S 175

PRODUCT CATEGORIES

Artificial turf

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

S 524

PRODUCT CATEGORIES

Packaging (general) and recycling

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

H 779

MICHIGAN

PRODUCT CATEGORIES

Fish consumption

REGULATORY STATUS

Advisory

REFERENCE AND DETAILS

Michigan Department of Health and Human Services ("MDHHS") has issued limitations for fish consumption depending on the specific location.

Great Lakes Consortium for Fish Consumption Advisories - PFOS

PRODUCT CATEGORIES
Deer restrictions
REGULATORY STATUS
Advisory
REFERENCE AND DETAILS
A "do not eat" restriction has been issued for a certain three-mile area in losco County
MDHHS information
PRODUCT CATEGORIES
Aquatic life restrictions
REGULATORY STATUS
Advisory
REFERENCE AND DETAILS
MDHHS has issued limitations involving aquatic and semi-aquatic life in a portion of Losco County
PRODUCT CATEGORIES
Food packaging
REGULATORY STATUS
Proposed
REFERENCE AND DETAILS
SB 327
MINNESOTA
PRODUCT CATEGORIES

Food packaging

REGULATORY STATUS
Enacted
REFERENCE AND DETAILS
Minn. Stat. § 325F.075
PRODUCT CATEGORIES
Fish consumption
REGULATORY STATUS
Advisory
REFERENCE AND DETAILS
Minnesota Department of Health has issued limitations for fish consumption from certain bodies of water.
PRODUCT CATEGORIES
Prohibit PFAS substances in certain cannabis packaging
REGULATORY STATUS
Enacted
REFERENCE AND DETAILS
HF 600
PRODUCT CATEGORIES
Prohibit PFAS substances in certain cannabis packaging
REGULATORY STATUS
Proposed
REFERENCE AND DETAILS

SF 73

PRODUCT CATEGORIES Ski wax **REGULATORY STATUS** Proposed REFERENCE AND DETAILS SF 669 **PRODUCT CATEGORIES** Children's products **REGULATORY STATUS** Proposed REFERENCE AND DETAILS HF 552

PRODUCT CATEGORIES

- Carpets or rugs
- Cleaning products
- Cookware
- Cosmetics
- Dental floss
- Fabric treatments
- Juvenile products
- Menstruation products
- Textile furnishings
- Ski wax

 Upholstered furniture By January 1, 2032, prohibit intentionally added PFAS in any product **REGULATORY STATUS** Enacted REFERENCE AND DETAILS HF 2310 PRODUCT CATEGORIES Recycling **REGULATORY STATUS** Proposed REFERENCE AND DETAILS HF 2571 PRODUCT CATEGORIES **Pesticides REGULATORY STATUS** Proposed **REFERENCE AND DETAILS** HF 1150 PRODUCT CATEGORIES

Written notification for PFAS in consumer products

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

NEVADA

PRODUCT CATEGORIES

- Carpets or rugs
- Fabric treatments
- Food packaging
- Children's products
- Cosmetics
- Indoor textile furnishings
- Indoor upholstered furniture
- Cookware certain labelling requirements

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

SB 76

NEW HAMPSHIRE

PRODUCT CATEGORIES

Fish consumption

REGULATORY STATUS

Advisory

REFERENCE AND DETAILS

New Hampshire Department of Environmental Services ("NHDES") has issued limitations for fish consumption from five lakes

PRODUCT CATEGORIES

Food packaging

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

HB 242

PRODUCT CATEGORIES

Rugs, carpets, and stain-resistant treatments

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

HB 465

NEW JERSEY

PRODUCT CATEGORIES

- Cosmetics
- Carpets or fabric treatments;
- Food packaging
- Cookware

Labelling requirements

REGULATORY STATUS

Proposed **REFERENCE AND DETAILS** S 3177 **PRODUCT CATEGORIES** Recycling **REGULATORY STATUS** Proposed **REFERENCE AND DETAILS** A 1554 **NEW YORK PRODUCT CATEGORIES** Children's products **REGULATORY STATUS** Enacted REFERENCE AND DETAILS S 501B **PRODUCT CATEGORIES** Food packaging

REGULATORY STATUS

Enacted

REFERENCE AND DETAILS

N.Y. Environmental Conservation Law § 37-0209

Anti-fogging sprays and wipes

PRODUCT CATEGORIES
Carpets
REGULATORY STATUS
Enacted
REFERENCE AND DETAILS
A 9272 and S 834
PRODUCT CATEGORIES
Apparel
REGULATORY STATUS
Enacted
REFERENCE AND DETAILS
S 1322
PRODUCT CATEGORIES
Fish consumption
REGULATORY STATUS
Advisory
REFERENCE AND DETAILS
New York State Department of Health has issued limitations for fish consumption from multiple waterways in one region.
PRODUCT CATEGORIES

REGULATORY STATUS Proposed REFERENCE AND DETAILS S 992A PRODUCT CATEGORIES Packaging and recycling **REGULATORY STATUS** Proposed REFERENCE AND DETAILS S 4246A **PRODUCT CATEGORIES** Cosmetics/personal care products **REGULATORY STATUS** Proposed REFERENCE AND DETAILS S 4171 and S 4265 **PRODUCT CATEGORIES** Pet products **REGULATORY STATUS** Proposed REFERENCE AND DETAILS A 00773

REGULATORY STATUS Proposed REFERENCE AND DETAILS A 05990 PRODUCT CATEGORIES Carpets or rugs Cookware Cosmetics Fabric treatments Personal care products Beginning on January 1, 2032, a person shall not sell or distribute any product that contains PFAS substances unless the use of PFAS in such product is currently an unavoidable use. **REGULATORY STATUS** Proposed REFERENCE AND DETAILS

PRODUCT CATEGORIES

PRODUCT CATEGORIES

Feminine hygiene products

- Textile articles
- Rugs

A 03571

- Cookware
- Fabric treatments

- Ski wax Architectural paints Children's products

 - Cleaning products

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

S 5648A

NORTH CAROLINA

PRODUCT CATEGORIES

Use and manufacturing

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

HB 660

PRODUCT CATEGORIES

General packaging

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

HB 279

PRODUCT CATEGORIES

Fish	consumptio	n
	0011001110	

REGULATORY STATUS

Advisory

REFERENCE AND DETAILS

North Carolina Department of Health and Human Services has issued recommendations limiting fish consumption from one river.

OKLAHOMA

PRODUCT CATEGORIES

Labelling for biosolids

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

SB 874

OREGON

PRODUCT CATEGORIES

Children's products

REGULATORY STATUS

Enacted

REFERENCE AND DETAILS

Toxic Free Kids Act: ORS 431A.250 et al.

PRODUCT CATEGORIES

Food containers

REGULATORY STATUS

Enacted

REFERENCE AND DETAILS

SB 543

PRODUCT CATEGORIES

Fish consumption

REGULATORY STATUS

Advisory

REFERENCE AND DETAILS

Oregon Health Authority has issued guidelines recommending limitations for fish consumption depending on the specific location.

PRODUCT CATEGORIES

Cosmetics

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

SB 546

PENNSYLVANIA

PRODUCT CATEGORIES

Food packaging

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

HB 1122

RHODE ISLAND

PRODUCT CATEGORIES

Food packaging

REGULATORY STATUS

Enacted

REFERENCE AND DETAILS

S 2044

PRODUCT CATEGORIES

Composting

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

HB 5086

PRODUCT CATEGORIES

- Rugs and carpets
- Fabric treatments
- Upholstered furniture
- Textile furnishings
- Apparel (including outdoor apparel and uniforms)
- Cosmetics
- Children's products
- Cookware

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

SB 16

PRODUCT CATEGORIES

- Artificial turf
- Cleaning products
- Carpets and rugs
- Cookware
- Cosmetics
- Fabric treatments
- Children's products
- Menstrual products;
- Ski wax
- Textile articles
- Outdoor apparel

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

SB 196

TENNESSEE

PRODUCT CATEGORIES

Food packaging

REGULATORY STATUS
Enacted
REFERENCE AND DETAILS
SB 0573
VERMONT
PRODUCT CATEGORIES
Children's products
REGULATORY STATUS
Enacted
REFERENCE AND DETAILS
18 V.S.A. §1773
PRODUCT CATEGORIES
Food packaging
REGULATORY STATUS
Enacted
REFERENCE AND DETAILS
18 V.S.A. §1672
PRODUCT CATEGORIES
Rugs, carpets, and aftermarket stain and water resistant treatments
REGULATORY STATUS
Enacted

18 V.S.A. §1682

PRODUCT CATEGORIES
Ski Wax
REGULATORY STATUS
Enacted
REFERENCE AND DETAILS
18 V.S.A. §1692
PRODUCT CATEGORIES
Labeling and composting
REGULATORY STATUS
Enacted
REFERENCE AND DETAILS
H 50

PRODUCT CATEGORIES

- Apparel
- Cookware
- Paper products
- Pesticides (over 20 ppt)
- Cosmetics
- Ski Wax

Beginning on January 1, 2030, a person shall not sell or distribute any product that contains intentionally added PFAS substances unless the use of PFAS in such product is currently an unavoidable use.

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

H 152

PRODUCT CATEGORIES

- Cosmetics
- Menstrual products
- Textiles
- Artificial turf
- Outdoor apparel

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

S 25

VIRGINIA

PRODUCT CATEGORIES

Children's products

REGULATORY STATUS

Proposed

REFERENCE AND DETAILS

HB 1855

WASHINGTON

Food packaging **REGULATORY STATUS** Enacted REFERENCE AND DETAILS RCW 70A.222.070 PRODUCT CATEGORIES Children's products **REGULATORY STATUS** Enacted REFERENCE AND DETAILS WAC 173-334-010 et seq. PRODUCT CATEGORIES Pollution Prevention for Our Future Act, identifying various "Priority" consumer products that use PFAS substances. **REGULATORY STATUS** Enacted REFERENCE AND DETAILS SB 5135 Washington Department of Health information Washington Department of Ecology information PRODUCT CATEGORIES

Regulate PFAS consumer products identified in the Chemical Action Plan.

PRODUCT CATEGORIES

REGULATORY STATUS Enacted REFERENCE AND DETAILS HB 1694 2022 Washington Chemical Action Plan PRODUCT CATEGORIES Carpets and rugs Aftermarket water and stain resistance treatments Leather and textile furnishings for indoor use **REGULATORY STATUS** Enacted REFERENCE AND DETAILS WAC 173-337 Washington Department of Ecology information PRODUCT CATEGORIES Cosmetics **REGULATORY STATUS** Enacted REFERENCE AND DETAILS HB 1047

PRODUCT CATEGORIES

Fish consumption

REGULATORY STATUS

Advisory

REFERENCE AND DETAILS

Washington Department of Health has issued limitations for fish consumption in three lakes

WISCONSIN

PRODUCT CATEGORIES

Fish consumption

REGULATORY STATUS

Advisory

REFERENCE AND DETAILS

The Wisconsin Department of Natural Resources ("WDNR") has issued limitations for fish consumption from numerous creeks and lakes

WDNR Information

PRODUCT CATEGORIES

Deer consumption

REGULATORY STATUS

Advisory

REFERENCE AND DETAILS

WDNR and Wisconsin Department of Health Services issued a "do not eat" deer liver restriction for a certain five-mile area

WDNR Information

No PFAS consumer product regulations (as of the date of publication): Arizona, Arkansas, Delaware, Florida, Idaho, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, South Carolina, South Dakota, Texas, Utah, West Virginia, and Wyoming.

CONCLUSION

While several states do not currently have any adopted laws or regulations with respect to PFAS in consumer products, many are considering ways to address these chemicals. In addition, while most states have regulated the inclusion of PFAS in specific product categories, Maine and Minnesota have passed sweeping laws that require the disclosure and eventual removal of intentionally added PFAS in all products, including industrial and commercial products. The regulation of these chemicals in consumer products will continue at the state level, and possibly at the federal level as well, so now is a critical time for businesses to determine whether any of their products or production methods contain or use these chemicals.

For more information on PFAS chemicals, and the regulatory and litigation risks that they pose, please visit our PFAS webpage. If you believe that you may be impacted by an enacted or proposed regulations, or if you would like help with evaluating whether PFAS may be present in your products, please contact Tom Lee, John Kindschuh, Emma Cormier, or any other member of our PFAS team at Bryan Cave Leighton Paisner LLP.

RELATED PRACTICE AREAS

- PFAS Team
- Environment

MEET THE TEAM



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