

1 AN ACT relating to perfluoroalkyl and polyfluoroalkyl substances.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 SECTION 1. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) The PFAS Working Group is hereby established and shall be attached to the*  
6 *Cabinet for Health and Family Services for administrative purposes and staff*  
7 *support.*

8 *(2) The PFAS Working Group shall have the following twenty-one (21) members or*  
9 *their designees, six (6) of whom shall be ex officio nonvoting members:*

10 *(a) The commissioner of the Department for Public Health within the Cabinet*  
11 *for Health and Family Services, who shall serve as chair;*

12 *(b) The commissioner of the Department for Environmental Protection within*  
13 *the Energy and Environment Cabinet;*

14 *(c) The commissioner of the Department of Fish and Wildlife Resources;*

15 *(d) The executive director of the Public Service Commission;*

16 *(e) The director of the University of Louisville Center for Integrative*  
17 *Environmental Health Sciences;*

18 *(f) The director of the University of Kentucky Superfund Research Center;*

19 *(g) The executive director of the Kentucky Conservation Committee;*

20 *(h) The executive director of the Kentucky Resources Council;*

21 *(i) The president of the Kentucky Association of Manufacturers;*

22 *(j) The president of the Kentucky Retail Federation;*

23 *(k) Three (3) members of the House of Representatives who shall serve as*  
24 *nonvoting ex officio members, two (2) of whom shall be chosen by the*  
25 *Speaker of the House of Representatives, and one (1) of whom shall be*  
26 *chosen by the House Minority Floor Leader;*

27 *(l) Three (3) members of the Senate who shall serve as nonvoting ex officio*

- 1           members, two (2) of whom shall be chosen by the President of the Senate,  
2           and one (1) of whom shall be chosen by the Senate Minority Floor Leader;  
3           and  
4           (m) The county judge/executives for each of the five (5) counties with the  
5           highest PFAS chemical concentrations in their community public drinking  
6           water treatment plants as documented in the latest version of the Energy  
7           and Environment Cabinet's evaluation of Kentucky community drinking  
8           water for PFAS.
- 9           (3) The first meeting of the PFAS Working Group shall be no later than September  
10           1, 2024. The working group shall meet at least three (3) times each year prior to  
11           the annual submission of the report required under subsection (5) of this section.
- 12           (4) The PFAS Working Group shall:
- 13           (a) Review the latest research on the effect that exposure to PFAS has on  
14           health outcomes amongst individuals within the Commonwealth;
- 15           (b) Share state-level data gathered from studies conducted by members of the  
16           working group and others within the Commonwealth;
- 17           (c) Consult with any federal, state, or local agencies, nonprofit organizations,  
18           private industry, or other impacted stakeholders on the presence and effect  
19           of PFAS within the Commonwealth; and
- 20           (d) Develop recommendations for the mitigation of the effect of PFAS on  
21           health outcomes in the Commonwealth.
- 22           (5) The PFAS Working Group shall submit a report to the Governor and to the  
23           Legislative Research Commission on or before December 1, 2024, and each  
24           December 1 thereafter, detailing all working group activity since its previous  
25           report and providing policy recommendations for the mitigation of the effect of  
26           PFAS on health outcomes in the Commonwealth.
- 27           (6) As used in this section, "PFAS chemical" or "PFAS" means all perfluoroalkyl

1 or polyfluoroalkyl substances containing at least one (1) fully fluorinated carbon  
2 atom.

3 ➔SECTION 2. A NEW SECTION OF SUBCHAPTER 10 OF KRS CHAPTER  
4 224 IS CREATED TO READ AS FOLLOWS:

5 (1) As used in this section and Section 3 of this Act:

6 (a) "Consumer product" has the same meaning as in 15 U.S.C. sec. 2052;

7 (b) "Intentionally added" means PFAS deliberately added during the  
8 manufacture of a product where the continued presence of PFAS is desired  
9 in the final product or one (1) of the product's components to perform a  
10 specific function;

11 (c) "PFAS" means all perfluoroalkyl or polyfluoroalkyl substances containing  
12 at least one (1) fully fluorinated carbon atom;

13 (d) "Product component" means an identifiable component of a product,  
14 regardless of whether the manufacturer of the product is the manufacturer  
15 of the component; and

16 (e) "Wastewater treatment facility" means a facility that is regulated or  
17 established under this chapter or KRS Chapter 76, 96, 220, or 278, that  
18 provides for or engages in the collection, transmission, or treatment of  
19 sewage.

20 (2) Beginning on January 1, 2025, and every January 1 thereafter, a manufacturer  
21 of a product sold, offered for sale, or distributed in the Commonwealth that  
22 contains intentionally added PFAS shall submit to the secretary, in a form and  
23 manner to be determined by the secretary, information that includes:

24 (a) A brief description of the product, including a universal product code, stock  
25 keeping unit, or other numeric code assigned to the product;

26 (b) The purpose for which PFAS are used in the product, including in any  
27 product components containing PFAS;

1        (c) The amount of PFAS in the product, identified by their chemical abstracts  
2            service registry numbers, reported as an exact quantity determined using  
3            commercially available analytical methods or as falling within a range  
4            approved for reporting purposes by the secretary;

5        (d) The name and address of the manufacturer and the name, address, and  
6            phone number of a contact person for the manufacturer; and

7        (e) Any additional information requested by the secretary necessary to  
8            implement the requirements of this section.

9        (3) With the approval of the secretary, a manufacturer may supply the information  
10           required by subsection (2) of this section for a category or type of product rather  
11           than for each individual product.

12       (4) A manufacturer shall submit the information required under this section  
13           whenever a new product that contains intentionally added PFAS is sold, offered  
14           for sale, or distributed in the Commonwealth, and update and revise the  
15           information whenever there is a significant change in the information or when  
16           requested to do so by the secretary.

17       (5) A person shall not sell, offer for sale, or distribute for sale in the Commonwealth  
18           a product containing intentionally added PFAS if the manufacturer has failed to  
19           provide the information required under this section.

20       (6) No later than thirty (30) days after a manufacturer has made a disclosure under  
21           this section, the cabinet shall publish the list of products, the manufacturers of  
22           the products, and the PFAS that the products contain on the cabinet's website.

23       ➔SECTION 3. A NEW SECTION OF SUBCHAPTER 10 OF KRS CHAPTER  
24       224 IS CREATED TO READ AS FOLLOWS:

25       (1) A manufacturer of a product that is produced in the Commonwealth that  
26           contains intentionally added PFAS shall report to the secretary, in a form and  
27           manner to be determined by the secretary:

- 1        (a) Beginning January 1, 2025, and every January 1 thereafter, the amount  
2                    and the names of PFAS that the manufacturer's facility or facilities have  
3                    released in the Commonwealth over the course of the previous year; and
- 4        (b) As needed for any individual release of PFAS greater than ten (10) pounds  
5                    over the course of twenty-four (24) hours. A report made under this  
6                    paragraph shall include the amount, location, and name of the PFAS  
7                    released.
- 8        (2) The cabinet shall publish all PFAS release disclosure reports on its website.  
9                    Disclosure reports made under subsection (1)(b) of this section shall be published  
10                   within twenty-four (24) hours of receipt.
- 11       (3) Upon receipt of a PFAS release disclosure report made under subsection (1)(b) of  
12                   this section, the secretary shall notify the county judge/executive of the county in  
13                   which the entity is located of the amount, location, and name of the PFAS  
14                   released, and shall provide a copy of the report to the county judge/executive.
- 15       (4) Upon receipt of a PFAS release disclosure report from the secretary, the county  
16                   judge/executive shall:
- 17                   (a) Post a notice of the contents of the report on the county government website  
18                   within twenty-four (24) hours;
- 19                   (b) Post a notice of the contents of the report on all social media pages operated  
20                   by the county government within twenty-four (24) hours; and
- 21                   (c) Inform the members of the county's legislative body of the contents of the  
22                   report at the body's next scheduled meeting.
- 23       (5) Wastewater treatment facilities shall not refuse to accept or treat sewage due to  
24                   the concentration of PFAS found in or reported to be found in the sewage.
- 25       (6) On or before January 1, 2025, the cabinet shall promulgate administrative  
26                   regulations in accordance with KRS Chapter 13A requiring that each wastewater  
27                   treatment facility monitor and annually report to the cabinet the PFAS

1        concentration levels found in sewage after it is treated by the wastewater  
2        treatment facility.

3        Section 4. KRS 224.99-030 is amended to read as follows:

4        (1) Any applicant or certificate holder who fails to provide the information required in  
5        KRS 224.1-310 or falsifies such information shall be liable for a civil penalty of not  
6        to exceed the sum of one thousand dollars (\$1,000). The penalty shall be  
7        recoverable in an action brought in the name of the Commonwealth of Kentucky by  
8        the cabinet, or upon the secretary's request, by the Attorney General.

9        (2) Any manufacturer or county judge/executive who fails to comply with the  
10        reporting requirements in Section 3 of this Act shall be liable for a civil penalty of  
11        not to exceed the sum of one thousand dollars (\$1,000) per day until compliance.  
12        The penalty shall be recoverable in an action brought in the name of the  
13        Commonwealth of Kentucky by the cabinet, or upon the secretary's request, by  
14        the Attorney General.