

**SENATE . . . . . No. 1387**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Joanne M. Comerford***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act restricting toxic PFAS chemicals in consumer products to protect our health.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/9/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>3/16/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>4/7/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>4/9/2021</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>4/12/2021</i>

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By Ms. Comerford, a petition (accompanied by bill, Senate, No. 1387) of Joanne M. Comerford, Michael O. Moore, Elizabeth A. Malia, Jack Patrick Lewis and other members of the General Court for legislation to restrict toxic PFAS chemicals in consumer products to protect our health. Public Health.

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

An Act restricting toxic PFAS chemicals in consumer products to protect our health.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 111 of the General Laws is hereby amended by inserting after  
2 section 5S the following section:-

3 Section 5T. (a) As used in this section, the following words, unless the context clearly  
4 requires otherwise, shall have the following meanings:-

5 “Child passenger restraint”, a child passenger restraint under section 7AA of chapter 90.

6 “Cookware”, pots and pans used for cooking.

7 “Fabric treatment”, a substance applied to fabric, carpets, rugs, shoes or textiles to impart  
8 characteristics, including, but not limited to, stain resistance or water resistance.

9           “Intentionally added”, the addition of a chemical to a final product or product component  
10 for the purpose of providing a specific characteristic, appearance or quality or to perform a  
11 specific function in the product or product component.

12           “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS substances”, a class of  
13 fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

14           “Personal care products”, articles intended to be rubbed, poured, sprinkled, or sprayed on,  
15 introduced into, or otherwise applied to the human body for cleansing, beautifying, promoting  
16 attractiveness, or altering the appearance; provided, personal care products shall include products  
17 such as skin moisturizers, perfumes, lipsticks, fingernail polishes, eye and facial makeup  
18 preparations, shampoos, permanent waves, hair colors, toothpastes, sunscreen, hair spray,  
19 shaving cream and deodorants, as well as any material intended for use as a component of a  
20 cosmetic product; and provided further that personal care products shall also include disposable  
21 menstrual products such as sanitary napkins, tampons, and underwear liners.

22           “Rugs and carpets”, fabric used to or marketed to cover floors.

23           “Upholstered furniture”, upholstered furniture as defined in section 270 of chapter 94.

24           (b) No person shall offer for sale, sell, or distribute in the commonwealth any of the  
25 following products to which PFAS substances have been intentionally added or, if not  
26 intentionally added, in which PFAS substances are present and measurable by testing for total  
27 fluorine at a level greater than 1 part per million:

28           (1) child passenger restraints;

29           (2) cookware;

- 30 (3) fabric treatments;
- 31 (4) personal care products;
- 32 (5) rugs and carpets; and
- 33 (6) upholstered furniture.

34 (c) The prohibitions of subsection (b) shall not apply to the sale or resale of used  
35 products, and shall not apply to a retailer unless the retailer sells the product knowing that the  
36 product contains PFAS substances.

37 (d) The manufacturer of any product listed in subsection (b) that knows or has reason to  
38 know will be offered for sale, sold or distributed in the commonwealth shall, prior to the  
39 effective date, determine by testing for total fluorine whether PFAS substances are present in the  
40 product at a level greater than 1 part per million. Upon written request by the department,  
41 attorney general or an agency of the commonwealth, the manufacturer of such a product sold or  
42 distributed in the commonwealth shall, within 30 days of the request, certify that it has tested the  
43 product for total fluorine and determined that PFAS substances are not present in the product at a  
44 level greater than 1 part per million.

45 (e) The attorney general shall have the authority to enforce the provisions of this section  
46 under section 4 of chapter 93A.

47 SECTION 2. Section 5T of chapter 111 of the General Laws shall take effect on January  
48 1, 2023.