

HOUSE BILL 2535

By Miller

AN ACT to amend Tennessee Code Annotated, Title 43;  
Title 53 and Title 68, relative to products  
containing perfluoroalkyl and polyfluoroalkyl.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 101, is amended by adding the following as a new section:

(a) As used in this section, unless the context otherwise requires:

(1) "Commissioner" means the commissioner of environment and conservation or the commissioner's authorized representative;

(2) "Food package":

(A) Means a container applied to or providing a means to market, protect, handle, deliver, serve, contain, or store a food or beverage; and

(B) Includes:

(i) A unit package, an intermediate package, or shipping container;

(ii) Unsealed receptacles, such as carrying cases, crates, cups, plates, bowls, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs; and

(iii) An individual assembled part of a food package, such as any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, and labels;

(3) "Intentionally added" means PFASs deliberately added during the manufacture of a product where the continued presence of PFASs is desired in the final package or packaging component to perform a specific function;

(4) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFASs" means a class of fluorinated organic chemicals containing at least one (1) fully fluorinated carbon atom; and

(5) "Person" means an individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character, including another agency.

(b) A person shall not manufacture or knowingly sell, offer for sale, distribute for sale, distribute, or offer for use in this state a product that contains intentionally added PFASs.

(c) The commissioner is authorized:

(1) To carry out or cause to be carried out this section, and may coordinate with the commissioner of commerce and insurance and the commissioner of health in enforcing this section; and

(2) Promulgate rules to effectuate this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(d) When requested by the commissioner, a person must furnish to the commissioner any information that the person may have or may reasonably obtain that is relevant to show compliance with this section.

(e)

(1) This section applies to the use of PFASs in:

(A) Menstrual products;

- (B) Cleaning ingredients;
- (C) Cookware;
- (D) Dental floss;
- (E) Firefighting foam;
- (F) Food packages;
- (G) Cosmetics;
- (H) Textiles;
- (I) Carpets;
- (J) Fabric treatments;
- (K) Upholstered furniture;
- (L) Children's products;
- (M) Ski wax; and
- (N) Any other product containing PFASs not excepted from this

section under subdivision (e)(2).

(2) This section does not apply to the use of PFASs:

- (A) In the manufacturing of medical devices;
- (B) At airports; or
- (C) At oil refineries.

(3) The exceptions in subdivision (e)(2) apply only until safer alternatives are developed and have been approved by the United States environmental protection agency (EPA) or until the use of PFASs in such instances is banned by the EPA, whichever occurs first.

SECTION 2. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2025, the public welfare requiring it.