

State of Minnesota

H. F. No. **1627**

03/10/2025 Adoption of Report: Amended and re-referred to the Committee on Commerce Finance and Policy

2.1 automotive maintenance product, a general cleaning product, or a polish or floor maintenance
2.2 product.

2.3 (g) "Commissioner" means the commissioner of the Pollution Control Agency.

2.4 (h) "Cookware" means durable houseware items used to prepare, dispense, or store food,
2.5 foodstuffs, or beverages. Cookware includes but is not limited to pots, pans, skillets, grills,
2.6 baking sheets, baking molds, trays, bowls, and cooking utensils.

2.7 (i) "Cosmetic" means articles, excluding soap:

2.8 (1) intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise
2.9 applied to the human body or any part thereof for the purpose of cleansing, beautifying,
2.10 promoting attractiveness, or altering the appearance; and

2.11 (2) intended for use as a component of any such article.

2.12 (j) "Currently unavoidable use" means a use of PFAS that the commissioner has
2.13 determined by rule under this section to be essential for health, safety, or the functioning
2.14 of society and for which alternatives are not reasonably available.

2.15 (k) "Fabric treatment" means a substance applied to fabric to give the fabric one or more
2.16 characteristics, including but not limited to stain resistance or water resistance.

2.17 (l) "Intentionally added" means PFAS deliberately added during the manufacture of a
2.18 product where the continued presence of PFAS is desired in the final product or one of the
2.19 product's components to perform a specific function.

2.20 (m) "Juvenile product" means a product designed or marketed for use by infants and
2.21 children under 12 years of age:

2.22 (1) including but not limited to a baby or toddler foam pillow; bassinet; bedside sleeper;
2.23 booster seat; changing pad; child restraint system for use in motor vehicles and aircraft;
2.24 co-sleeper; crib mattress; highchair; highchair pad; infant bouncer; infant carrier; infant
2.25 seat; infant sleep positioner; infant swing; infant travel bed; infant walker; nap cot; nursing
2.26 pad; nursing pillow; play mat; playpen; play yard; polyurethane foam mat, pad, or pillow;
2.27 portable foam nap mat; portable infant sleeper; portable hook-on chair; soft-sided portable
2.28 crib; stroller; and toddler mattress; and

2.29 (2) not including a children's electronic product such as a personal computer, audio and
2.30 video equipment, calculator, wireless phone, game console, handheld device incorporating
2.31 a video screen, or any associated peripheral such as a mouse, keyboard, power supply unit,
2.32 or power cord; or an adult mattress.

(n) "Manufacturer" means the person that creates or produces a product or whose brand name is affixed to the product. In the case of a product imported into the United States, manufacturer includes the importer or first domestic distributor of the product if the person that manufactured or assembled the product or whose brand name is affixed to the product does not have a presence in the United States.

(o) "Medical device" has the meaning given "device" under United States Code, title 21, section 321, subsection (h).

(p) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(q) "Product" means an item manufactured, assembled, packaged, or otherwise prepared for sale to consumers, including but not limited to its product components, sold or distributed for personal, or residential, ~~commercial, or industrial~~ use, including for use in making other products.

(r) "Product component" means an identifiable component of a product, regardless of whether the manufacturer of the product is the manufacturer of the component.

(s) "Ski wax" means a lubricant applied to the bottom of snow runners, including but not limited to skis and snowboards, to improve their grip or glide properties. Ski wax includes related tuning products.

(t) "Textile" means an item made in whole or part from a natural or synthetic fiber, yarn, or fabric. Textile includes but is not limited to leather, cotton, silk, jute, hemp, wool, viscose, nylon, and polyester.

(u) "Textile furnishings" means textile goods of a type customarily used in households and businesses, including but not limited to draperies, floor coverings, furnishings, bedding, towels, and tablecloths.

(v) "Upholstered furniture" means an article of furniture that is designed to be used for sitting, resting, or reclining and that is wholly or partly stuffed or filled with any filling material.

Sec. 2. Minnesota Statutes 2024, section 116.943, subdivision 2, is amended to read:

Subd. 2. **Information required.** (a) On or before January 1, ~~2026~~ 2028, a manufacturer of a product sold, offered for sale, or distributed in the state that contains intentionally added PFAS must submit to the commissioner information that includes:

4.1 (1) a brief description of the product, including a universal product code (UPC), stock
4.2 keeping unit (SKU), or other numeric code assigned to the product;

4.3 (2) the purpose for which PFAS are used in the product, including in any product
4.4 components;

4.5 (3) the amount of each PFAS, identified by its chemical abstracts service registry number,
4.6 in the product, reported as an exact quantity determined using commercially available
4.7 analytical methods or as falling within a range approved for reporting purposes by the
4.8 commissioner;

4.9 (4) the name and address of the manufacturer and the name, address, and phone number
4.10 of a contact person for the manufacturer; and

4.11 (5) any additional information requested by the commissioner as necessary to implement
4.12 the requirements of this section.

4.13 (b) With the approval of the commissioner, a manufacturer may supply the information
4.14 required in paragraph (a) for a category or type of product rather than for each individual
4.15 product.

4.16 (c) A manufacturer must submit the information required under this subdivision whenever
4.17 a new product that contains intentionally added PFAS is sold, offered for sale, or distributed
4.18 in the state and update and revise the information whenever there is significant change in
4.19 the information or when requested to do so by the commissioner.

4.20 (d) A person may not sell, offer for sale, or distribute for sale in the state a product
4.21 containing intentionally added PFAS if the manufacturer has failed to provide the information
4.22 required under this subdivision and the person has received notification under subdivision
4.23 4.

4.24 Sec. 3. Minnesota Statutes 2024, section 116.943, subdivision 8, is amended to read:

4.25 Subd. 8. **Exemptions.** (a) This section does not apply to:

4.26 (1) a product for which federal law governs the presence of PFAS in the product in a
4.27 manner that preempts state authority;

4.28 (2) a product regulated under section 325F.072 or 325F.075; or

4.29 (3) the sale or resale of a used product.

(b) Subdivisions 4 and 5 do not apply to a prosthetic or orthotic device or to any product that is a medical device or drug or that is otherwise used in a medical setting or in medical applications regulated by the United States Food and Drug Administration.

(c) An electronic or internal component of a product is exempt from the prohibitions under subdivision 5 until January 1, 2032.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 4. Minnesota Statutes 2024, section 325E.3892, subdivision 2, is amended to read:

Subd. 2. **Prohibition.** (a) A person must not import, manufacture, sell, hold for sale, or distribute or offer for use in this state any covered product containing:

(1) lead at more than 0.009 percent by total weight (90 parts per million); or

(2) cadmium at more than 0.0075 percent by total weight (75 parts per million).

(b) This section does not apply to covered products containing lead or cadmium, or both, when regulation is preempted by federal law.

(c) Until January 1, 2028, this section does not apply to a product containing an internal circuit board with lead solder or a pen that contains lead.

(d) A manufacturer of a key fob or pen exempted under paragraph (c) must submit a report every six months to the commissioner of the Pollution Control Agency that details the:

(1) barriers to complying with the prohibition under this subdivision;

(2) progress made toward achieving compliance; and

(3) most recent timeline for achieving compliance.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 5. Minnesota Statutes 2024, section 325F.072, subdivision 3, is amended to read:

Subd. 3. **Prohibition.** (a) No person, political subdivision, or state agency shall manufacture or knowingly sell, offer for sale, distribute for sale, or distribute for use in this state, and no person shall use in this state, class B firefighting foam containing PFAS chemicals.

(b) This subdivision does not apply to the manufacture, sale, distribution, or use of class B firefighting foam for which the inclusion of PFAS chemicals is required by federal law, including but not limited to Code of Federal Regulations, title 14, section 139.317. If a

federal requirement to include PFAS chemicals in class B firefighting foam is revoked after January 1, 2024, class B firefighting foam subject to the revoked requirements is no longer exempt under this paragraph effective one year after the day of revocation.

(c) This subdivision does not apply to the manufacture, sale, distribution, or use of class B firefighting foam for purposes of use at an airport, as defined under section 360.013, subdivision 39, until the state fire marshal makes a determination that:

(1) the Federal Aviation Administration has provided policy guidance on the transition to fluorine-free firefighting foam;

(2) a fluorine-free firefighting foam product is included in the Federal Aviation Administration's Qualified Product Database; and

(3) a firefighting foam product included in the database under clause (2) is commercially available in quantities sufficient to reliably meet the requirements under Code of Federal Regulations, title 14, part 139.

(d) Until the state fire marshal makes a determination under paragraph (c), the operator of an airport using class B firefighting foam containing PFAS chemicals must, on or before December 31 each calendar year, submit a report to the state fire marshal regarding the status of the airport's conversion to class B firefighting foam products without intentionally added PFAS, the disposal of class B firefighting foam products with intentionally added PFAS, and an assessment of the factors listed in paragraph (c) as applied to the airport.

(e) This subdivision does not apply to the manufacture, sale, distribution, or use of class B firefighting foam for purposes of use at an airport hangar until January 1, 2028.

(f) The operator of an airport hangar may apply for a one-year extension from the date provided under paragraph (e) by demonstrating that there is a need for additional time due to circumstances beyond the control of the operator. An extension under this paragraph must be approved by the commissioner of the Pollution Control Agency and the state fire marshal. When approving an extension under this paragraph, the commissioner of the Pollution Control Agency must determine that the environment will be protected and the state fire marshal must determine that public safety will be protected. An operator may apply for additional one-year extensions under this paragraph.

EFFECTIVE DATE. This section is effective the day following final enactment.