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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **3571**

02/17/2022 Authored by Kotyza-Witthuhn

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

02/28/2022 Adoption of Report: Amended and re-referred to the Committee on Commerce Finance and Policy

03/07/2022 Adoption of Report: Re-referred to the Committee on Health Finance and Policy

1.1 A bill for an act
1.2 relating to environment; prohibiting PFAS in juvenile products; proposing coding
1.3 for new law in Minnesota Statutes, chapter 116.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **[116.943] PFAS IN JUVENILE PRODUCTS.**

1.6 Subdivision 1. Definitions. For purposes of this section, the following terms have the
1.7 meanings given:

1.8 (1) "adult mattress" means a mattress other than a crib mattress or toddler mattress;

1.9 (2) "juvenile product" means a product designed or marketed for use by infants and
1.10 children under 12 years of age:

1.11 (i) including but not limited to a baby or toddler foam pillow; bassinet; bedside sleeper;
1.12 booster seat; changing pad; child restraint system for use in motor vehicles and aircraft;
1.13 co-sleeper; crib mattress; highchair; highchair pad; infant bouncer; infant carrier; infant
1.14 seat; infant sleep positioner; infant swing; infant travel bed; infant walker; nap cot; nursing
1.15 pad; nursing pillow; play mat; playpen; play yard; polyurethane foam mat, pad, or pillow;
1.16 portable foam nap mat; portable infant sleeper; portable hook-on chair; soft-sided portable
1.17 crib; stroller; and toddler mattress; and

1.18 (ii) not including a children's electronic product such as a personal computer, audio and
1.19 video equipment, calculator, wireless phone, game console, handheld device incorporating
1.20 a video screen, or any associated peripheral such as a mouse, keyboard, power supply unit,
1.21 or power cord; a medical device; or an adult mattress;

2.1 (3) "medical device" has the meaning given "device" under United States Code, title 21,
2.2 section 321, subsection (h); and

2.3 (4) "perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means substances that
2.4 include any member of the class of fluorinated organic chemicals containing at least one
2.5 fully fluorinated carbon atom.

2.6 Subd. 2. **Prohibition.** (a) A person must not manufacture, sell, offer for sale, or distribute
2.7 in commerce in the state any new juvenile product that contains perfluoroalkyl and
2.8 polyfluoroalkyl substances.

2.9 (b) This subdivision does not apply to sale or resale of used juvenile products.

2.10 Subd. 3. **Enforcement.** (a) The commissioner of the Pollution Control Agency may
2.11 enforce this section under sections 115.071 and 116.072. The commissioner may coordinate
2.12 with the commissioners of commerce and health in enforcing this section.

2.13 (b) When requested by the commissioner of the Pollution Control Agency, a person
2.14 must furnish to the commissioner any information that the person may have or may
2.15 reasonably obtain that is relevant to show compliance with this section.

2.16 **EFFECTIVE DATE.** This section is effective January 1, 2024.