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HEALTH AND SAFETY CODE - HSC

DIVISION 104. ENVIRONMENTAL HEALTH [106500 - 119406] (*Division 104 added by Stats. 1995, Ch. 415, Sec. 6.*)

PART 3. PRODUCT SAFETY [108040 - 109052] (*Part 3 added by Stats. 1995, Ch. 415, Sec. 6.*)

CHAPTER 13.5. Textile Articles [108970 - 108971] (*Chapter 13.5 added by Stats. 2022, Ch. 762, Sec. 2.*)

108970. For purposes of this article, the following terms have the following definitions:

(a) "Apparel" means any of the following:

(1) Clothing items intended for regular wear or formal occasions, including, but not limited to, undergarments, shirts, pants, skirts, dresses, overalls, bodysuits, costumes, vests, dancewear, suits, saris, scarves, tops, leggings, school uniforms, leisurewear, athletic wear, sports uniforms, everyday swimwear, formal wear, onesies, bibs, diapers, footwear, and everyday uniforms for workwear. Clothing items intended for regular wear or formal occasions does not include personal protective equipment or clothing items for exclusive use by the United States military.

(2) Outdoor apparel.

(3) Outdoor apparel for severe wet conditions.

(b) "Manufacturer" has the same meaning as that term is defined in Section 108952.

(c) "Outdoor apparel" means clothing items intended primarily for outdoor activities, including, but not limited to, hiking, camping, skiing, climbing, bicycling, and fishing.

(d) "Outdoor apparel for severe wet conditions" means outdoor apparel that are extreme and extended use products designed for outdoor sports experts for applications that provide protection against extended exposure to extreme rain conditions or against extended immersion in water or wet conditions, such as from snow, in order to protect the health and safety of the user and that are not marketed for general consumer use. Examples of extreme and extended use products include outerwear for offshore fishing, offshore sailing, whitewater kayaking, and mountaineering.

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

(f) "Personal protective equipment" means equipment worn to minimize exposure to hazards that cause serious workplace injuries and illnesses that may result from contact with chemical, radiological, physical, biological, electrical, mechanical, or other workplace or professional hazards.

(g) "Regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS" means either of the following:

(1) PFAS that a manufacturer has intentionally added to a product and that have a functional or technical effect in the product, including the PFAS components of intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect in the product.

(2) The presence of PFAS in a product or product component at or above the following thresholds, as measured in total organic fluorine:

(A) Commencing January 1, 2025, 100 parts per million.

(B) Commencing January 1, 2027, 50 parts per million.

(h) "Textile" means any item made in whole or part from a natural, manmade, or synthetic fiber, yarn, or fabric, and includes, but is not limited to, leather, cotton, silk, jute, hemp, wool, viscose, nylon, or polyester. "Textile" does not include single-use paper hygiene

products, including, but not limited to, toilet paper, paper towels or tissues, or single-use absorbent hygiene products. For purposes of this subdivision, "single use" has the same meaning as in Section 42041 of the Public Resources Code.

(i) (1) "Textile articles" means textile goods of a type customarily and ordinarily used in households and businesses, and include, but are not limited to, apparel, accessories, handbags, backpacks, draperies, shower curtains, furnishings, upholstery, beddings, towels, napkins, and tablecloths.

(2) "Textile articles" does not include any of the following:

(A) Any of the following items regulated under the Safer Consumer Products Program (Chapter 55 (commencing with Section 69501) of Division 4.5 of Title 22 of the California Code of Regulations):

(i) Carpets and rugs.

(ii) Treatments containing PFAS for use on converted textiles or leathers.

(B) A vehicle, as defined in Section 670 of the Vehicle Code, including, but not limited to, an off-highway motor vehicle, as defined in Section 38012 of the Vehicle Code, or its component parts.

(C) A vessel, as defined in Section 21 of the Harbors and Navigation Code, or its component parts, such as boat covers.

(D) Filtration media and filter products used in industrial applications, including, but not limited to, chemical or pharmaceutical manufacturing, and environmental control technologies.

(E) Textile articles used in or for laboratory analysis and testing.

(F) An aircraft, as defined in Section 21012 of the Public Utilities Code, or its component parts.

(G) Stadium shades or other architectural fabric structures. For purposes of this subparagraph, "architectural fabric structure" means a permanent fabric structure that is intrinsic to a building's design or construction.

(Added by Stats. 2022, Ch. 762, Sec. 2. (AB 1817) Effective January 1, 2023.)

108971. (a) (1) Except as provided in paragraph (2), commencing January 1, 2025, no person shall manufacture, distribute, sell, or offer for sale in the state any new, not previously used, textile articles that contain regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS.

(2) Paragraph (1) does not apply to outdoor apparel for severe wet conditions until January 1, 2028. However, commencing January 1, 2025, no person shall distribute, sell, or offer for sale in the state any new, not previously used, outdoor apparel for severe wet conditions that contain regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS unless it is accompanied by a legible and easily discernable disclosure with the statement "Made with PFAS chemicals," including for online listings of products for sale.

(b) A manufacturer shall use the least toxic alternative, including alternative design, when removing regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS in textile articles to comply with this chapter.

(c) A manufacturer of a textile article shall provide persons that offer the product for sale or distribution in the state with a certificate of compliance stating that the textile article is in compliance with the requirements of this chapter and does not contain any regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS. A certificate of compliance provided pursuant to this subdivision shall be signed by an authorized official of the manufacturer. The certificate of compliance may be provided electronically.

(d) A distributor or retailer of a textile article, if they are not also the manufacturer of the product, shall not be held in violation of this chapter if they relied in good faith on the certificate of compliance provided by the manufacturer pursuant to subdivision (c).

(Added by Stats. 2022, Ch. 762, Sec. 2. (AB 1817) Effective January 1, 2023.)