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AB-652 Product safety: juvenile products: chemicals: perfluoroalkyl and polyfluoroalkyl substances.
(2021-2022)

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Assembly Bill No. 652

CHAPTER 500

An act to add Chapter 12.5 (commencing with Section 108945) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

[Approved by Governor October 05, 2021. Filed with Secretary of State October 05, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 652, Friedman. Product safety: juvenile products: chemicals: perfluoroalkyl and polyfluoroalkyl substances.

Existing law prohibits a person from manufacturing, selling, or distributing in commerce any bottle or cup that contains bisphenol A, at a detectable level above 0.1 parts per billion, if the bottle or cup is designed or intended to be filled with any liquid, food, or beverage intended primarily for consumption from that bottle or cup by children three years of age or younger. Existing law prohibits a person or entity from manufacturing, selling, or distributing in commerce any toy or childcare article that contains di-(2-ethylhexyl) phthalate, dibutyl phthalate, or benzyl butyl phthalate, in concentrations exceeding 0.1%. Existing law prohibits a person from manufacturing, selling, or exchanging, having in their possession with intent to sell or exchange, or exposing or offering for sale or exchange to any retailer, any toy that is contaminated with a specified toxic substance.

This bill would, on and after July 1, 2023, prohibit a person, including a manufacturer, from selling or distributing in commerce in this state any new, not previously owned, juvenile product, as defined, that contains regulated perfluoroalkyl and polyfluoroalkyl substances (PFAS), as defined. The bill would require a manufacturer to use the least toxic alternative when replacing PFAS chemicals in a juvenile product.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 12.5 (commencing with Section 108945) is added to Part 3 of Division 104 of the Health and Safety Code, to read:

CHAPTER 12.5. Juvenile Products

108945. For purposes of this chapter, the following definitions apply:

- (a) "Adult mattress" means a mattress other than a crib mattress or toddler mattress.
- (b) "Regulated perfluoroalkyl and polyfluoroalkyl substances" or "regulated 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, but not limited to, 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 100 parts per million, as measured in total organic fluorine.

(c) (1) "Juvenile product" means a product designed for use by infants and children under 12 years of age, including, but not limited to, a baby or toddler foam pillow, bassinet, bedside sleeper, booster seat, changing pad, child restraint system for use in motor vehicles and aircraft, co-sleeper, crib mattress, floor playmat, highchair, highchair pad, infant bouncer, infant carrier, infant seat, infant sleep positioner, infant swing, infant travel bed, infant walker, nap cot, nursing pad, nursing pillow, playmat, playpen, play yard, polyurethane foam mat, pad, or pillow, portable foam nap mat, portable infant sleeper, portable hook-on chair, soft-sided portable crib, stroller, and toddler mattress.

(2) "Juvenile product" does not include any of the following:

(A) A children's electronic product, including, but not limited to, a personal computer, audio and video equipment, calculator, wireless phone, game console, handheld device incorporating a video screen, or any associated peripheral such as a mouse, keyboard, power supply unit, or power cord.

(B) A medical device.

(C) An internal component of a juvenile product that would not come into direct contact with a child's skin or mouth during reasonably foreseeable use and abuse of the product.

(D) An adult mattress.

(d) "Medical device" means "device" as defined in subsection (h) of Section 321 of Title 21 of the United States Code.

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

108946. On and after July 1, 2023, a person, including, but not limited to, a manufacturer, shall not sell or distribute in commerce in this state any new, not previously owned, juvenile product that contains regulated PFAS chemicals.

108947. A manufacturer shall use the least toxic alternative when replacing PFAS chemicals in a juvenile product in accordance with this chapter.