

SENATE BILL NO. 76—SENATOR NEAL

PREFILED JANUARY 23, 2023

Referred to Committee on Natural Resources

SUMMARY—Establishes provisions governing certain products that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances. (BDR 40-291)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to hazardous materials; prohibiting, with certain exceptions, the sale and distribution of certain products containing intentionally added perfluoroalkyl and polyfluoroalkyl substances; requiring, with certain exceptions, manufacturers of cookware containing intentionally added perfluoroalkyl and polyfluoroalkyl substances to provide certain information to a customer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits, with certain exceptions, the discharge, use or release of any Class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances for the purpose of testing the Class B firefighting foam or firefighting training. (NRS 459.682) Beginning on January 1, 2024, **section 21** of this bill prohibits, with certain exceptions, a manufacturer from selling, offering for sale, distributing for sale or distributing for use any carpet or rug, fabric treatment, food packaging or juvenile product that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances. **Section 21** also requires a manufacturer of such products to include a statement on the product label that perfluoroalkyl and polyfluoroalkyl substances were not intentionally added or used to make the product. **Section 24** of this bill amends **section 21** to also prohibit, beginning July 1, 2024, a manufacturer from selling, offering for sale, distributing for sale or distributing for use any cosmetics, indoor textile furnishings or indoor upholstered furniture that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances.

Section 22 of this bill requires, with certain exceptions, a manufacturer of cookware sold in this State that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances to include on the cookware product label and on any product listing for online sales: (1) that the product contains intentionally added



perfluoroalkyl and polyfluoroalkyl substances; and (2) an Internet address and quick response code for a website that contains certain information about the intentionally added perfluoroalkyl and polyfluoroalkyl substances.

Section 23 of this bill provides that a person who willfully and knowingly violates the provisions of **section 21, 22 or 24** is subject to a maximum civil penalty of \$1,000.

Section 20 of this bill provides an exception to the requirements and prohibitions set forth in this bill to the extent that such provisions are preempted by or conflict with federal law.

Sections 3-19 of this bill define certain terms related to these requirements.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 459 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 23, inclusive, of this act.

Sec. 2. *As used in sections 2 to 23, inclusive, of this act, the words and terms defined in sections 3 to 19, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Adult mattress” means any mattress other than a toddler mattress, crib mattress or other sleep product for infants.*

Sec. 4. *“Carpet or rug” means a fabric product marketed or intended for use as a floor covering in a household or business.*

Sec. 5. (Deleted by amendment.)

Sec. 6. *“Component” means an identifiable component of a product, regardless of whether the manufacturer of the product is the manufacturer of the component.*

Sec. 7. *“Cookware” means a durable houseware product that is used in a residence or kitchen to prepare, dispense or store food or beverages, including, without limitation, any pot, pan, skillet, grill, baking sheet, baking mold, tray, bowl or cooking utensil.*

Sec. 8. 1. *“Cosmetic” means a product that is intended to be rubbed onto or introduced into, poured, sprinkled, sprayed on or otherwise applied to the human body for the purposes of cleaning, cleansing, beautifying, promoting or altering the appearance of a person, including, without limitation, any skin moisturizer, perfume, lipstick, nail polish, eye or facial makeup, shampoo, conditioner, permanent wave, hair dye or deodorant.*

2. *The term does not include:*

(a) A product that requires a prescription for distribution or dispensation; or

(b) Hydrofluoroolefins used as propellants in cosmetics.

Sec. 9. *“Fabric treatment” means a product applied to fabric to give the fabric one or more characteristics, including, without limitation, stain resistance or water resistance. The term does not*



1 include hydrofluoroolefins used as propellants in fabric
2 treatments.

3 **Sec. 10.** “Food packaging” means a package or packaging
4 component that is used in direct contact with food and is
5 composed of, in substantial part, paper, paperboard or other
6 materials originally derived from plant fibers.

7 **Sec. 11.** 1. “Intentionally added perfluoroalkyl and
8 polyfluoroalkyl substances” means perfluoroalkyl and
9 polyfluoroalkyl substances that a manufacturer has intentionally
10 added to a product and that have a functional or technical effect
11 on the product. The term includes, without limitation,
12 perfluoroalkyl and polyfluoroalkyl substances that are intentional
13 breakdown products of an added chemical that also have a
14 functional or technical effect on the product.

15 2. The term does not include the use of recycled materials
16 which may contain perfluoroalkyl and polyfluoroalkyl substances
17 due to the use of perfluoroalkyl and polyfluoroalkyl substances in
18 the original product.

19 **Sec. 11.5.** 1. “Juvenile product” means a product designed
20 by a manufacturer for use by an infant or child less than 12 years
21 of age, including, without limitation, a bassinet, child restraint
22 system for use in motor vehicles, changing pad, toddler mattress,
23 crib mattress or other sleep product for infants, high chair, infant
24 carrier, infant seat, polyurethane foam mat, pad or pillow, nap cot,
25 play mat, playpen or stroller.

26 2. The term does not include:

27 (a) Electronic products, including, without limitation, any
28 personal computer and any associated equipment, audio and video
29 equipment, calculator, wireless phone, gaming console, handheld
30 device incorporating a video screen or any associated peripheral
31 device such as a mouse, keyboard, power supply unit or power
32 cord;

33 (b) An internal component of a juvenile product that is not
34 designed or intended to come into direct contact with the skin or
35 mouth of a child as a result of the reasonably foreseeable use of
36 the product; or

37 (c) An adult mattress.

38 **Sec. 12.** “Manufacturer” means a person that manufactures
39 or assembles a product. The term includes, without limitation, the
40 importer or first domestic distributor of the product if a product is
41 imported into the United States and the manufacturer does not
42 have a presence in the United States.

43 **Sec. 13.** “Package” means the material that is intended or
44 used to contain, protect, handle, deliver or present a product.



1 **Sec. 14.** *“Packaging component” means an individual part*
2 *of a package, including, without limitation, the interior or exterior*
3 *blocking, bracing, cushioning, weatherproofing, exterior*
4 *strapping, coating, closure, ink or label.*

5 **Sec. 15.** *“Perfluoroalkyl and polyfluoroalkyl substances” has*
6 *the meaning ascribed to it in NRS 459.678.*

7 **Sec. 16.** 1. *“Product” means an item, and any component*
8 *of such an item, that is manufactured, assembled or otherwise*
9 *prepared for sale or distribution to a customer and that is sold or*
10 *distributed for personal, residential, commercial or industrial use,*
11 *including, without limitation, for use in making other products.*

12 2. *The term does not include:*

13 (a) *Any drug, medical device, biologic or diagnostic regulated*
14 *by the United States Food and Drug Administration or the United*
15 *States Department of Agriculture;*

16 (b) *Any drug, medical device, biologic, parasiticide or*
17 *diagnostic administered or used to treat animals regulated by the*
18 *United States Food and Drug Administration pursuant to the*
19 *Federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 351 et seq.,*
20 *the United States Department of Agriculture pursuant to the*
21 *Virus-Serum-Toxin Act, 21 U.S.C. §§ 151 et seq. or the United*
22 *States Environmental Protection Agency pursuant to the Federal*
23 *Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. §§ 136 et*
24 *seq.;*

25 (c) *A veterinary pesticide product approved by the United*
26 *States Environmental Protection Agency for use in animals;*

27 (d) *Any packaging used for a product described in paragraph*
28 *(a), (b) or (c); or*

29 (e) *A used product offered for sale or resale.*

30 **Sec. 17.** *“Textile” means any product made in whole or in*
31 *part from a natural or synthetic fiber, yarn or fabric, including,*
32 *without limitation, leather, cotton, silk, jute, hemp, wool, nylon or*
33 *polyester. The term does not include any textile used in a medical,*
34 *professional or industrial setting.*

35 **Sec. 18.** *“Textile furnishing” means a type of textile intended*
36 *for use in households and businesses, including, without*
37 *limitation, any drapery, floor covering, furnishing, bedding, towel*
38 *or tablecloth. The term does not include a textile furnishing*
39 *intended for use in a medical, professional or industrial setting.*

40 **Sec. 19.** *“Upholstered furniture” means any article of*
41 *furniture that is:*

42 1. *Designed for sitting, resting or reclining; and*

43 2. *Wholly or partially stuffed with filling material.*

44 **Sec. 20.** *The provisions of sections 2 to 23, inclusive, of this*
45 *act do not apply to the extent that those provisions are preempted*



by or conflict with federal law, including, without limitation, any provision of federal law requiring the use of products that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances.

Sec. 21. 1. A manufacturer shall not sell, offer for sale, distribute for sale or distribute for use in this State any of the following types of products if the product contains intentionally added perfluoroalkyl and polyfluoroalkyl substances:

- (a) Carpets or rugs;
- (b) Fabric treatments;
- (c) Food packaging; or
- (d) Juvenile products.

2. A manufacturer of the products described in subsection 1 shall include on the product label a statement that is clearly visible and legible in both English and Spanish that reads: “NO PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES WERE INTENTIONALLY ADDED OR USED TO MAKE THIS PRODUCT.”

3. The provisions of this section do not apply to:

- (a) A product which contains perfluoroalkyl and polyfluoroalkyl substances due to the use of recycled materials containing perfluoroalkyl and polyfluoroalkyl substances in the original product; or
- (b) A carpet or rug that was manufactured or imported before January 1, 2024.

Sec. 22. 1. A manufacturer of cookware sold in this State that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances in the handle of the product or in any product surface that comes into contact with any food or beverages shall:

(a) Except as otherwise provided in subsection 3, include on the product label:

(1) That the product contains intentionally added perfluoroalkyl and polyfluoroalkyl substances; and

(2) A statement, in both English and Spanish, that reads: “For more information about the perfluoroalkyl and polyfluoroalkyl substances in the product, visit” followed by:

(I) An Internet address for a website that provides information about why the perfluoroalkyl and polyfluoroalkyl substances are intentionally added; and

(II) A quick response (QR) code or other machine-readable code used for storing an Internet address for the website that provides information about why the perfluoroalkyl and polyfluoroalkyl substances are intentionally added;



(b) Include in any product listing for online sales in this State, the information required to be included on the product label pursuant to paragraph (a); and

(c) Ensure that the information required pursuant to paragraphs (a) and (b) is clearly visible and legible to the customer on the label and on the product listing for online sales.

2. A manufacturer shall not claim on the packaging for cookware that the cookware is free of perfluoroalkyl and polyfluoroalkyl substances, unless no individual perfluoroalkyl or polyfluoroalkyl compound has been intentionally added to the cookware.

3. Cookware that meets the following requirements is exempt from the requirements of paragraph (a) of subsection 1:

(a) The surface area of the cookware cannot fit a product label of at least 2 square inches; and

(b) The cookware does not have:

(1) An exterior or wrapper on which a product label can appear or be affixed; or

(2) A tag or other attachment with information about the product attached to the cookware.

4. Except as otherwise provided in subsection 3, a manufacturer shall not sell, offer for sale, distribute for sale or distribute for use any cookware that contains one or more intentionally added perfluoroalkyl and polyfluoroalkyl substances in the handle of the product or in any product surface that comes into contact with food or beverages, unless the manufacturer and the cookware comply with the requirements of this section.

Sec. 23. A person who willfully and knowingly violates the provisions of section 21 or 22 of this act is subject to a civil penalty not to exceed \$1,000.

Sec. 24. Section 21 of this act is hereby amended to read as follows:

Sec. 21. 1. A manufacturer shall not sell, offer for sale, distribute for sale or distribute for use in this State any of the following types of products if the product contains intentionally added perfluoroalkyl and polyfluoroalkyl substances:

(a) Carpets or rugs;

(b) Fabric treatments;

(c) Food packaging; ~~to~~

(d) Juvenile products ~~to~~;

(e) Cosmetics;

(f) Indoor textile furnishings; or

(g) Indoor upholstered furniture.



2. A manufacturer of the products described in subsection 1 shall include on the product label a statement that is clearly visible and legible in both English and Spanish that reads: “NO PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES WERE INTENTIONALLY ADDED OR USED TO MAKE THIS PRODUCT.”

3. The provisions of this section do not apply to:

(a) A product which contains perfluoroalkyl and polyfluoroalkyl substances due to the use of recycled materials containing perfluoroalkyl and polyfluoroalkyl substances in the original product; ~~for~~

(b) A carpet or rug that was manufactured or imported before January 1, 2024 ~~for~~; or

(c) Any other textile product, other than a carpet or rug, that was manufactured or imported before July 1, 2024.

Sec. 25. 1. This section and sections 1 to 23, inclusive, of this act become effective on January 1, 2024.

2. Section 24 of this act becomes effective on July 1, 2024.

