



Rep. Abdelnasser Rashid

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10400HB2516ham003

LRB104 03583 BDA 24929 a

1 AMENDMENT TO HOUSE BILL 2516

2 AMENDMENT NO. _____. Amend House Bill 2516, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The PFAS Reduction Act is amended by changing
6 Section 5 and by adding Section 45 as follows:

7 (415 ILCS 170/5)

8 Sec. 5. Definitions. In this Act:

9 "Agency" means the Illinois Environmental Protection
10 Agency.

11 "Class B firefighting foam" means foam designed to
12 extinguish flammable liquid fires or prevent the ignition of
13 flammable liquids.

14 "Cookware" means durable houseware items used to prepare,
15 dispense, or store food, foodstuffs, or beverages. "Cookware"
16 includes pots, pans, skillets, grills, baking sheets, baking

1 molds, trays, bowls, and cooking utensils.

2 "Cosmetics" means articles:

3 (1) intended to be rubbed, poured, sprinkled, or
4 sprayed on, introduced into, or otherwise applied to the
5 human body or any part of the human body for the purpose of
6 cleansing, beautifying, promoting attractiveness, or
7 altering the appearance; or

8 (2) intended for use as a component of any article
9 under paragraph (1).

10 "Cosmetics" includes soap.

11 "Dental Floss" means a cord or cords of thin filaments
12 used in interdental cleaning to remove debris and dental
13 plaque from between teeth.

14 "Fire department" means the duly authorized fire
15 protection organization of a unit of local government, a
16 Regional Fire Protection Agency, a fire protection district,
17 or a volunteer fire department.

18 "Food packaging" means (i) packaging that is intended for
19 direct food contact and is composed, in substantial part, of
20 paper, paperboard, or other materials originally derived from
21 plant fibers or (ii) a component of the packaging described in
22 item (i).

23 "Intentionally added PFAS" means PFAS deliberately added
24 during the manufacture of a product in which the continued
25 presence of the PFAS is desired in the final product or one of
26 the product's components, to perform a specific function in

1 the final product. "Intentionally added PFAS" does not include
2 PFAS present in a product due to a manufacturer's use of water
3 containing PFAS if the manufacturer took no action that
4 resulted in the PFAS being present in the water.

5 "Intimate apparel" means garments intended to be worn
6 under clothes, usually with direct contact with skin.
7 "Intimate apparel" includes bras, briefs, shapewear,
8 sleepwear, thermals, loungewear, socks, and stockings.

9 "Juvenile product" means a product designed or marketed
10 for use by infants and children under 12 years of age.

11 "Juvenile product" includes a baby or toddler foam pillow,
12 bassinet, bedside sleeper, booster seat, changing pad, child
13 restraint system for use in a motor vehicle and aircraft,
14 co-sleeper, crib mattress, highchair, highchair pad, infant
15 bouncer, infant carrier, infant seat, infant sleep positioner,
16 infant swing, infant travel bed, infant walker, nap cot,
17 nursing pad, nursing pillow, play mat, playpen, play yard,
18 polyurethane foam mat, pad, or pillow, portable foam nap mat,
19 portable infant sleeper, portable hook-on chair, soft-sided
20 portable crib, stroller, and toddler mattress. "Juvenile
21 product" does not include a children's electronic product,
22 including a personal computer, audio and video equipment,
23 calculator, wireless phone, game console, handheld device
24 incorporating a video screen, or any associated peripheral,
25 such as a mouse, keyboard, power supply unit, power cord,
26 adult mattress, or an internal component of a product that

1 would not come into direct contact with a child's skin or mouth
2 during reasonably foreseeable use and abuse of the product.

3 "Local government" means a unit of local government or
4 other special purpose district that provides firefighting
5 services.

6 "Manufacturer" means a person that manufactures Class B
7 firefighting foam and any agents of that person, including an
8 importer, distributor, authorized servicer, factory branch, or
9 distributor branch.

10 "Menstrual product" means a product used to collect
11 menstruation and vaginal discharge, including tampons, pads,
12 sponges, menstruation underwear, disks, and menstrual cups,
13 whether disposable or reusable.

14 "Perfluoroalkyl substance or polyfluoroalkyl substance" or
15 "PFAS" means a class of fluorinated organic chemicals
16 containing at least one fully fluorinated carbon atom.

17 "Person" means any individual, partnership, association,
18 public or private corporation, limited liability company, or
19 any other type of legal or commercial entity, including, but
20 not limited to, members, managers, partners, directors, or
21 officers.

22 "Product" means an item manufactured, assembled, packaged,
23 or otherwise prepared for sale to consumers, including, but
24 not limited to, its product components, sold or distributed
25 for personal or residential use. "Product" does not include:

26 (1) a prosthetic or orthotic device or any item that

1 is a medical device or drug or that is otherwise used in a
2 medical setting or in medical applications regulated by
3 the United States Food and Drug Administration;

4 (2) packaging for the items described in paragraph
5 (1); and

6 (3) products regulated by the Federal Insecticide,
7 Fungicide, and Rodenticide Act.

8 "Testing" means calibration testing, conformance testing,
9 and fixed system testing.

10 (Source: P.A. 102-290, eff. 8-6-21.)

11 (415 ILCS 170/45 new)

12 Sec. 45. Other banned products; other civil penalties;
13 enforcement.

14 (a) Beginning January 1, 2032, a person may not sell,
15 offer for sale, or distribute for sale in this State the
16 following products if the product contains intentionally added
17 PFAS:

18 (1) cookware;

19 (2) cosmetics;

20 (3) dental floss;

21 (4) juvenile products;

22 (5) menstrual products;

23 (6) intimate apparel; or

24 (7) food packaging.

25 (b) Subsection (a) of this Section does not apply to:

1 (1) a product for which federal law governs the
2 presence in the product of a perfluoroalkyl substance or
3 polyfluoroalkyl substance in a manner that preempts State
4 authority;

5 (2) used products offered for sale or resale;

6 (3) a product that contains fluoropolymers consisting
7 of polymeric substances for which the backbone of the
8 polymer is either a perfluorinated or polyfluorinated
9 carbon-only backbone or a perfluorinated polyether
10 backbone that is a solid at standard temperature and
11 pressure;

12 (4) an electronic or internal component of a product;

13 or

14 (5) refrigerants, foams, and aerosol propellants that
15 are listed as acceptable, acceptable subject to use
16 conditions, or acceptable subject to narrowed use limits
17 by the United States Environmental Protection Agency
18 pursuant to the Significant New Alternatives Policy
19 Program, 40 CFR 82, Subpart G, as long as the refrigerant,
20 foam, or aerosol propellant is sold, offered for sale, or
21 distributed for sale for the use for which it is listed
22 pursuant to that program.

23 (c) A person, other than a manufacturer subject to Section
24 35 of this Act, who knowingly violates this Section is subject
25 to a civil penalty not to exceed \$5,000 for the first violation
26 and a civil penalty not to exceed \$10,000 for each subsequent

1 violation. Civil penalties collected under this Section must
2 be deposited into the Environmental Protection Trust Fund to
3 be used in accordance with the provisions of the Environmental
4 Protection Trust Fund Act.

5 (d) This Act and the civil penalties in this Act may be
6 enforced by the Attorney General or the State's Attorney of
7 the county where the violation occurs by bringing an action in
8 the name of the People of the State of Illinois in a court of
9 competent jurisdiction alleging a violation of this Act.
10 Nothing in this Act shall be construed to limit the Attorney
11 General or the State's Attorney of the county where the
12 violation occurs from seeking equitable remedies or other
13 remedies in common law, in State or federal statute, or in
14 State or federal rules or regulations to enforce this Act or to
15 remedy harm from any action or omission in violation of this
16 Act or in violation of common law, State or federal statute, or
17 State or federal rules or regulations."