

SB0167



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB0167

Introduced 1/17/2025, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

415 ILCS 170/5
415 ILCS 170/45 new
415 ILCS 170/50 new
415 ILCS 170/55 new

Amends the PFAS Reduction Act. Provides that, beginning January 1, 2026, a person may not sell, offer for sale, or distribute for sale in this State a juvenile product if the product or a product component contains intentionally added PFAS. Provides for enforcement. Exempts from the Act's requirements products that are federally preempted, products already regulated by the Act, used products, prosthetic or orthotic devices, and any medical device or drug used in a medical setting or in medical applications regulated by the United States Food and Drug Administration. Defines terms.

LRB104 02947 BDA 12963 b

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The PFAS Reduction Act is amended by changing
5 Section 5 and by adding Sections 45, 50, and 55 as follows:

6 (415 ILCS 170/5)

7 Sec. 5. Definitions. In this Act, unless the context
8 otherwise provides:

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 "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 "Juvenile product" means a product designed or marketed
19 for use by infants or children under 12 years of age. "Juvenile
20 product" includes, but is not limited to, the following: a
21 baby or toddler foam pillow; a bassinet; a bedside sleeper; a
22 booster seat; a changing pad; a child restraint system for use
23 in a motor vehicle or aircraft; a co-sleeper; a crib mattress;

1 a highchair; a highchair pad; an infant bouncer; an infant
2 carrier; an infant seat; an infant sleep positioner; an infant
3 swing; an infant travel bed; an infant walker; a nap cot; a
4 nursing pad, pillow, or mat; a playpen; a play yard; a
5 polyurethane foam mat, pad, or pillow; a portable foam nap
6 mat; a portable infant sleeper; a portable hook-on chair; a
7 soft-sided portable crib; a stroller; and a toddler mattress.
8 "Juvenile product" does not include the following: an adult
9 mattress; a children's electronic product, including a
10 personal computer, audio and video equipment, a calculator, a
11 wireless phone, a game console, a handheld device
12 incorporating a video screen, or any associated peripheral,
13 such as a mouse, a keyboard, a power supply unit, or a power
14 cord; or an internal component of a product that would not come
15 into direct contact with a child's skin or mouth during
16 reasonably foreseeable use and abuse of the product.

17 "Local government" means a unit of local government or
18 other special purpose district that provides firefighting
19 services.

20 "Manufacturer" means a person that creates or produces a
21 product or whose brand name is affixed to the product. In the
22 case of a product imported into the United States,
23 "manufacturer" includes the importer or first domestic
24 distributor of the product if the person that creates or
25 produces the product or whose brand name is affixed to the
26 product does not have a presence in the United States. a person

1 ~~that manufactures Class B firefighting foam and any agents of~~
2 ~~that person, including an importer, distributor, authorized~~
3 ~~servicer, factory branch, or distributor branch.~~

4 "Perfluoroalkyl substance or polyfluoroalkyl substance" or
5 "PFAS" means a class of fluorinated organic chemicals
6 containing at least one fully fluorinated carbon atom.

7 "Person" means any individual, partnership, association,
8 public or private corporation, limited liability company, or
9 any other type of legal or commercial entity, including, but
10 not limited to, members, managers, partners, directors, or
11 officers.

12 "Product" means an item manufactured, assembled, packaged,
13 or otherwise prepared for sale to consumers, including, but
14 not limited to, its product components, sold or distributed
15 for personal, residential, commercial, or industrial use,
16 including for use in making other products.

17 "Product component" means an identifiable component of a
18 product, regardless of whether the manufacturer of the product
19 is the manufacturer of the component.

20 "Testing" means calibration testing, conformance testing,
21 and fixed system testing.

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

23 (415 ILCS 170/45 new)

24 Sec. 45. Juvenile products; PFAS. Beginning January 1,
25 2026, a person may not sell, offer for sale, or distribute for

1 sale in this State a juvenile product if the product or a
2 product component contains intentionally added PFAS.

3 (415 ILCS 170/50 new)

4 Sec. 50. Enforcement regarding juvenile products.

5 (a) The Agency shall investigate alleged violations of
6 Section 45 and the provisions added by this amendatory Act of
7 the 104th General Assembly and may refer such violations for
8 prosecution by the Office of the Illinois Attorney General or
9 the State's Attorney of the county in which the alleged
10 violation occurred. The State's Attorney or Attorney General,
11 as the case may be, may, at the request of the Agency or on its
12 own volition, institute a civil action for the penalties
13 described in this Act, as well as other remedies, including
14 injunctive relief, as necessary to restrain or remedy
15 violations of Section 45 and the provisions added by this
16 amendatory Act of the 104th General Assembly.

17 (b) The Agency may coordinate with the Department of
18 Public Health in enforcing Section 45 and the provisions added
19 by this amendatory Act of the 104th General Assembly.

20 (c) When requested by the Agency, a person must furnish to
21 the Agency any information that the person may have or may
22 reasonably obtain that is relevant to show compliance with
23 Section 45 and the provisions added by this amendatory Act of
24 the 104th General Assembly.

25 (d) This Section shall not be construed to limit

1 enforcement of the provisions of any other Section in this
2 PFAS Reduction Act.

3 (415 ILCS 170/55 new)

4 Sec. 55. Exemptions regarding juvenile products. Section
5 45 and the provisions added by this amendatory Act of the 104th
6 General Assembly do not apply to:

7 (1) a product for which federal law governs the
8 presence of PFAS in the product in a manner that preempts
9 State authority;

10 (2) a product regulated under Sections 10, 15, 25, 30,
11 or 40;

12 (3) the sale or resale of a used product; or

13 (4) a prosthetic or orthotic device or any product
14 that is a medical device or drug or that is otherwise used
15 in a medical setting or in medical applications regulated
16 by the United States Food and Drug Administration.