

2026 -- H 7734 SUBSTITUTE A

LC004930/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO HEALTH AND SAFETY -- CONSUMER PFAS BAN ACT OF 2024

Introduced By: Representatives Cortvriend, Speakman, Bennett, McGaw, and Spears

Date Introduced: February 12, 2026

Referred To: House Environment and Natural Resources

(Dept. of Environmental Management)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-18.18-3, 23-18.18-4, 23-18.18-5 and 23-18.18-7 of the General
2 Laws in Chapter 23-18.18 entitled "Consumer PFAS Ban Act of 2024" are hereby amended to read
3 as follows:

4 **23-18.18-3. Definitions.**

5 As used in this chapter:

6 (1) "Adult mattress" means a mattress other than a crib mattress or toddler mattress.

7 (2) "Apparel" means any of the following:

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

14 (ii) Outdoor apparel.

15 (3) "Artificial turf" means a man-made material that simulates the appearance of live turf,
16 organic turf, grass, sod, or lawn.

17 (4) "Carpet" or "rug" means a consumer product made from natural or synthetic fabric
18 intended for use as a floor covering inside commercial or residential buildings. "Carpet or rug"
19 does not include:

- 1 (i) A carpet or rug intended solely for outdoor use;
- 2 (ii) A carpet or rug intended solely for use inside an aircraft, train, watercraft, automobile,
3 light duty truck, van, bus, or any other vehicle and any aftermarket or replacement part marketed
4 solely for use in a vehicle;
- 5 (iii) A resilient floor covering;
- 6 (iv) Artificial turf;
- 7 (v) A wall hanging or covering;
- 8 (vi) A table mat; or
- 9 (vii) A camping sleeping mat.
- 10 (5) "Cookware" means durable cookware items that are used in homes and restaurants to
11 prepare, dispense, or store food, foodstuffs, or beverages. "Cookware" includes, [but is not limited](#)
12 [to](#), pots, pans, skillets, grills, baking sheets, baking molds, trays, bowls, and cooking utensils.
- 13 (6) "Cosmetic" means:
- 14 (i) Articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or
15 otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting
16 attractiveness, or altering the appearance; and
- 17 (ii) Articles intended for use as a component of any such article; except that such term shall
18 not include soap.
- 19 (7) "Covered product" means the following:
- 20 (i) Artificial turf;
- 21 (ii) Carpets or rugs;
- 22 (iii) Cookware;
- 23 (iv) Cosmetics;
- 24 (v) Fabric treatments;
- 25 (vi) Juvenile products;
- 26 (vii) Menstrual products;
- 27 (viii) Ski wax;
- 28 (ix) Textile articles;
- 29 (x) Firefighting personal protective equipment.
- 30 (8) "Department" means the department of environmental management.
- 31 (9) "Director" means the director of the department of environmental management.
- 32 (10) "Fabric treatment" means a substance applied to fabric to give the fabric one or more
33 characteristics, including, but not limited to, stain resistance or water resistance.
- 34 (11) "Ingredient" has the same meaning as defined in 21 C.F.R. Part 700 § 700.3(e) and

1 does not include any incidental ingredient as defined in 21 C.F.R. Part 701 § 701.3.

2 (12) “Intentionally added PFAS” means PFAS added to a covered product or one of its
3 product components to provide a specific characteristic, appearance, or quality or to perform a
4 specific function. “Intentionally added PFAS” also includes any degradation byproducts of PFAS
5 or PFAS that are intentional breakdown products of an added chemical. The use of PFAS as a
6 processing agent, mold release agent, or intermediate is considered intentional introduction for the
7 purposes of this chapter where PFAS is detected in the final covered product.

8 (13) “Juvenile product” means a product designed for use by infants and children under
9 twelve (12) years of age, including, but not limited to: a baby or toddler foam pillow, bassinet,
10 bedside sleeper, booster seat, changing pad, child restraint system for use in motor vehicles and
11 aircraft, co-sleeper, crib mattress, floor playmat, highchair, highchair pad, infant bouncer, infant
12 carrier, infant seat, infant sleep positioner, infant swing, infant travel bed, infant walker, nap cot,
13 nursing pad, nursing pillow, playmat, playpen, play yard, polyurethane foam mat, pad, or pillow,
14 portable foam nap mat, portable infant sleeper, portable hook-on chair, soft-sided portable crib,
15 stroller, and toddler mattress. “Juvenile product” shall not include any of the following:

16 (i) A children’s electronic product, including, but not limited to: a personal computer, audio
17 and video equipment, calculator, wireless phone, game console, handheld device incorporating a
18 video screen, or any associated peripheral such as a mouse, keyboard, power supply unit, power
19 cord, film, camera, audio, visual, or imaging equipment or sensors;

20 (ii) A medical device;

21 (iii) An adult mattress; or

22 (iv) Children’s electronic products containing integrated circuits, semiconductor package,
23 or device that contains a semiconductor chip.

24 (14) “Manufacturer” means the person that manufactures a product or whose brand name
25 is affixed to the product. In the case of a product imported into the United States, “manufacturer”
26 includes the importer or first domestic distributor of the product if the person that manufactured or
27 assembled the product or whose brand name is affixed to the product does not have a presence in
28 the United States.

29 (15) “Medical device” has the same meaning as the term “device” as defined in 21 U.S.C.
30 § 321(h).

31 (16) “Menstrual product” means a product used to collect menstruation and vaginal
32 discharge, including, but not limited to: tampons, pads, sponges, menstruation underwear, disks,
33 applicators, and menstrual cups, whether disposable or reusable.

34 (17) “Outdoor apparel” means clothing items intended primarily for outdoor activities,

1 including, but not limited to: hiking, camping, skiing, climbing, bicycling, and fishing.

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

8 (19) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means substances that
9 include any member of the class of fluorinated organic chemicals containing at least one fully
10 fluorinated carbon atom.

11 (20) “Personal protective equipment” means equipment worn to minimize exposure to
12 hazards that cause serious workplace injuries and illnesses that may result from contact with
13 chemical, radiological, physical, biological, electrical, mechanical, or other workplace or
14 professional hazards.

15 (21) “Product” means an item manufactured, assembled, packaged, or otherwise prepared
16 for sale to consumers, including its product components, sold or distributed for personal, ~~or~~
17 residential, commercial, or industrial use, including for use in making other products. “Product”
18 does not mean used products offered for sale or resale.

19 (22) “Product component” means an identifiable component of a product, regardless of
20 whether the manufacturer of the product is the manufacturer of the component.

21 (23) “Ski wax” means a lubricant applied to the bottom of snow runners, including, but not
22 limited to, skis and snowboards to improve their grip or glide properties. “Ski wax” includes related
23 tuning products.

24 (24) “Textile” means any item made in whole or part from a natural, manmade, or synthetic
25 fiber, yarn, or fabric, and includes, but is not limited to: leather, cotton, silk, jute, hemp, wool,
26 viscose, nylon, or polyester. “Textile” does not include single-use paper hygiene products,
27 including, but not limited to: toilet paper, paper towels or tissues, or single-use absorbent hygiene
28 products.

29 (25) “Textile articles” means textile goods of a type customarily and ordinarily used in
30 households and businesses, and include, but are not limited to: apparel, accessories, handbags,
31 backpacks, draperies, shower curtains, furnishings, upholstery, beddings, towels, napkins, and
32 tablecloths. “Textile articles” does not include:

- 33 (i) A carpet or rug;
- 34 (ii) A treatment for use on covered textiles or leathers;

- 1 (iii) A textile used in or designed for laboratory analysis and testing;
- 2 (iv) A stadium shade or other architectural fabric structure; or
- 3 (v) Filtration or separation media processing equipment and plumbing, or a filter product
- 4 used in industrial applications, including but not limited to, chemical or pharmaceutical
- 5 manufacturing and environmental control technologies.

6 **23-18.18-4. Prohibition on use of PFAS.**

7 (a) Except as provided otherwise in this section, on and after January 1, 2027, no person

8 shall manufacture, sell, offer for sale, or distribute for sale in the state any covered product that

9 contains intentionally added perfluoroalkyl and polyfluoroalkyl substances or PFAS.

10 (b) Except as provided otherwise in this section, on and after January 1, 2029, no person

11 shall manufacture, sell, offer for sale, or distribute for sale in the state:

12 (1) Artificial turf containing intentionally added PFAS; ~~or~~

13 (2) Outdoor apparel for severe wet conditions containing intentionally added PFAS, unless

14 it is accompanied by a legible, easily discernable disclosure that includes the following statement:

15 “Made with PFAS chemicals”; or

16 (3) Cookware containing polytetrafluoroethylene, fluorinated ethylene propylene, or

17 perfluoroalkoxy alkane coatings, provided that none of those coatings were produced using

18 perfluorooctanoic acid (PFOA). Upon request by the department, a cookware manufacturer shall

19 certify in writing that the coatings in its products meet the requirements of this subsection.

20 (c) If the department has reason to believe that a covered product contains intentionally

21 added PFAS and the covered product is being offered for sale in the state, the director may direct

22 the manufacturer of the product to, within thirty (30) days:

23 (1) Provide the director a certificate attesting that the covered product does not contain

24 intentionally added PFAS; or

25 (2) Notify persons who sell, offer for sale, or distribute for sale a covered product

26 prohibited under subsection (a) of this section, that the sale of that covered product is prohibited in

27 this state and provide the director with a list of the names and addresses of those notified.

28 (d) The director may notify persons who sell or offer for sale a product prohibited under

29 subsection (a) of this section, that the sale of that product is prohibited in this state.

30 (e) This section shall not apply to the sale or resale of used products.

31 (f) Notwithstanding any provision of this section, if a cosmetic product made through

32 manufacturing processes intended to comply with this section contains an unavoidable trace

33 quantity of PFAS that is attributable to impurities of natural or synthetic ingredients, the

34 manufacturing process, storage or migration from packaging, or other such unintentional and

1 unavoidable origin, such unavoidable trace quantity shall not cause the cosmetic product to be in
2 violation of this section.

3 (g) Notices from the director made pursuant to subsections (c) and (d) of this section shall
4 be sent by certified mail.

5 (h) The director may grant, with modifications or conditions, an exemption for a product
6 or category of products if the director finds the following criteria are met:

7 (1) Use of the product is beneficial to the environment or protective of public health or
8 protective of public safety; and/or

9 (2) There is no technically feasible alternative to the use of PFAS in the product; and

10 (3) There is no comparable non-PFAS-added product available at reasonable cost.

11 Prior to issuing an exemption, the director shall consult with neighboring states and
12 regional organizations to promote consistency. The state shall avoid, to the extent feasible,
13 inconsistencies in the implementation of this section. Upon reapplication by the manufacturer and
14 findings by the director of continued eligibility under the criteria of this subsection and of
15 compliance by the manufacturer with the conditions of the director's original approval, an
16 exemption may be renewed one or more times and each renewal may be for a period of no longer
17 than five (5) years.

18 **23-18.18-5. Ban in firefighting foam.**

19 (a) For the purposes of this section, the following terms shall have the following meanings:

20 (1) "Class B firefighting foam" means foams designed for flammable liquid fires.

21 (2) "Department" means the department of environmental management.

22 ~~(2)~~(3) "Firefighting personal protective equipment" means any clothing designed,
23 intended, or marketed to be worn by firefighting personnel in the performance of their duties,
24 designed with the intent for the use in fire and rescue activities, including jackets, pants, shoes,
25 gloves, helmets, and respiratory equipment.

26 ~~(3)~~(4) "Local government" means any county, city, town, fire district, regional fire
27 protection authority, or other special purpose district that provides firefighting services.

28 ~~(4)~~(5) "Terminal" means an establishment primarily engaged in the wholesale distribution
29 of crude petroleum and petroleum products, including liquefied petroleum gas from bulk liquid
30 storage facilities.

31 (b) Beginning January 1, 2025, a person, local government, ~~or state agency~~ state
32 department, agency, commission, council, or instrumentality, including a quasi-public agency, may
33 not discharge or otherwise use for training purposes class B firefighting foam that contains
34 intentionally added PFAS chemicals.

1 (c) Beginning January 1, 2025, a manufacturer of class B firefighting foam may not
2 manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use or use in this
3 state class B firefighting foam to which PFAS have been intentionally added.

4 (d) The restrictions in subsections (b) and (c) of this section do not apply to any
5 manufacture, sale, or distribution of class B firefighting foam where the inclusion of PFAS
6 chemicals are required by federal law, including, but not limited to, the requirements of 14 C.F.R.
7 § 139.317, as that section existed as of January 1, 2022. In the event that applicable federal
8 regulations change after January 1, 2022, to allow the use of alternative firefighting agents that do
9 not contain PFAS chemicals, the restrictions set forth in subsection (b) of this section shall apply.

10 (1) A person that uses class B firefighting foam containing PFAS chemicals pursuant to
11 subsection (d) of this section shall report the use of the foam to the state fire marshal [and the](#)
12 [department](#) within five (5) business days of the use, including the identity of the foam, the quantity
13 used, the total PFAS concentration, the application for which the foam was used, and the duration
14 of the fire.

15 (2) A person that uses class B firefighting foam containing PFAS chemicals pursuant to
16 subsection (d) of this section shall do all of the following:

17 (i) Allow no release directly to the environment, such as to unsealed ground, soakage pits,
18 waterways, or uncontrolled drains;

19 (ii) Fully contain all releases onsite;

20 (iii) Implement containment measures such as bunds and ponds that are controlled,
21 impervious to PFAS, and do not allow firewater, wastewater, runoff, and other wastes to be released
22 to the environment, such as to soils, groundwater, waterways, or stormwater;

23 (iv) Dispose of all firewater, wastewater, runoff, and other wastes in a way that prevents
24 releases to the environment;

25 (v) If there is a release to the environment, report the identity of the foam, the quantity
26 used, the total PFAS concentration, and the form of any waste that contains PFAS chemicals that
27 is released into the environment to the state fire marshal [and the department](#) within five (5) business
28 days of the release; and

29 (vi) Document the measures undertaken pursuant to this subsection. In investigating
30 compliance with this subsection, [the department](#), the attorney general, a city attorney, or a city or
31 town solicitor may request the documentation.

32 (e) A person operating a terminal after January 1, 2025, and who seeks to purchase class B
33 firefighting foam containing intentionally added PFAS for the purpose of fighting emergency class
34 B fires, may apply to the department for a temporary exemption from the restrictions on the

1 manufacture, sale, offer for sale, or distribution of class B firefighting foam for use at a terminal.
2 An exemption shall not exceed one year. The department ~~of environmental management, in~~
3 ~~consultation with the department of health,~~ may grant an exemption under this subsection if the
4 applicant provides:

5 (1) Clear and convincing evidence that there is not a commercially available alternative
6 that:

7 (i) Does not contain intentionally added PFAS; and

8 (ii) Is capable of suppressing a large atmospheric tank fire or emergency class B fire at the
9 terminal;

10 (2) Information on the amount of class B firefighting foam containing intentionally added
11 PFAS that is annually stored, used, or released at the terminal;

12 (3) A report on the progress being made by the applicant to transition at the terminal to
13 class B firefighting foam that does not contain intentionally added PFAS; and

14 (4) An explanation of how:

15 (i) All releases of class B firefighting foam containing intentionally added PFAS shall be
16 fully contained at the terminal; and

17 (ii) Existing containment measures prevent firewater, wastewater, runoff, and other wastes
18 from being released into the environment, including into soil, groundwater, waterways, and
19 stormwater.

20 (f) Nothing in this section shall prohibit a terminal from providing class B firefighting foam
21 in the form of aid to another terminal in the event of a class B fire.

22 (g) A manufacturer of class B firefighting foam restricted under subsection (c) of this
23 section must notify, in writing, persons that sell the manufacturer's products in this state about the
24 provisions of this chapter no less than one year prior to the effective date of the restrictions.

25 (h) A manufacturer that produces, sells, or distributes a class B firefighting foam prohibited
26 under subsection (c) of this section shall recall the product and reimburse the retailer or any other
27 purchaser for the product by March 1, 2025, and shall reimburse the retailer or any other purchaser
28 for the product. A recall of the product shall include safe transport and storage and documentation
29 of the amount and storage location of the PFAS-containing firefighting foam, until the department
30 formally identifies a safe disposal technology. The manufacturer shall provide this documentation
31 to the attorney general, or city or town solicitor upon request.

32 (i) The department may request a certificate of compliance from a manufacturer of class B
33 firefighting foam, or firefighting personal protective equipment sold in this state. A certificate of
34 compliance attests that a manufacturer's product or products meets the requirements of this chapter.

1 If the department requests such a certificate, the manufacturer shall provide the certificate within
2 thirty (30) calendar days after the request is made.

3 (j) The department shall assist state agencies, fire protection districts, and other local
4 governments to avoid purchasing or using class B firefighting foams to which PFAS chemicals
5 have been intentionally added.

6 ~~(k) A manufacturer of class B firefighting foam in violation of this chapter is subject to a
7 civil penalty not to exceed five thousand dollars (\$5,000) for each violation in the case of a first
8 offense. Manufacturers, local governments, or persons that are repeat violators are subject to a civil
9 penalty not to exceed ten thousand dollars (\$10,000) for each repeat offense.~~

10 (l)(1) Beginning January 1, 2025, a manufacturer or other person that sells firefighting
11 personal protective equipment to any person, local government, or state agency must provide
12 written notice to the purchaser at the time of sale if the firefighting personal protective equipment
13 contains any PFAS. The written notice must include a statement that the firefighting personal
14 protective equipment contains PFAS chemicals and the reason PFAS chemicals are added to the
15 equipment.

16 (2) Beginning January 1, 2027, a manufacturer or other person that sells firefighting
17 personal protective equipment to any person, local government, or state agency shall not
18 manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in the state any
19 firefighting personal protective equipment containing intentionally-added PFAS.

20 (m) The department shall assist state agencies, fire protection districts, and other local
21 governments to give priority and preference to the purchase of firefighting personal protective
22 equipment that does not contain PFAS.

23 (n) The manufacturer or person selling firefighting personal protective equipment and the
24 purchaser of the equipment must retain the notice on file for at least three (3) years from the date
25 of the transaction. Upon the request of the department, a person, manufacturer, or purchaser must
26 furnish the notice, or written copies, and associated sales documentation to the department within
27 sixty (60) days.

28 **23-18.18-7. Violations.**

29 (a) The director may obtain relief in equity or by prerogative writ whenever relief shall be
30 necessary for the proper performance of the director's duties under this chapter. The superior court
31 for Providence County shall have concurrent jurisdiction to enforce the provisions of this chapter
32 and any rule, regulation, or order issued pursuant to this chapter. Proceedings for enforcement may
33 be instituted and prosecuted in the name of the director, by either the director or by the attorney
34 general, and in any proceeding in which the director or the attorney general seeks injunctive relief,

1 it shall not be necessary to show that without this relief, the injury that will result will be irreparable,
2 or that the remedy at law is inadequate. Proceedings provided for in this section shall be in addition
3 to other administrative or judicial proceedings authorized by this chapter or pursuant to any other
4 provision of the general laws or common law.

5 (b) The director shall follow the procedures provided in § 42-17.1-2(21) in issuing any
6 notice of violation or compliance order authorized pursuant to this chapter or any rules, regulations,
7 or permits promulgated thereunder.

8 (c) Effective January 1, 2027, a violation of any of the provisions of this law or any rule or
9 regulation promulgated pursuant thereto shall be punishable, in the case of a first violation, by a
10 civil penalty not to exceed one thousand dollars (\$1,000). In the case of a second and any further
11 violations, the liability shall be for a civil penalty not to exceed five thousand dollars (\$5,000) for
12 each violation.

13 (d) A manufacturer of class B firefighting foam in violation of this chapter is subject to a
14 civil penalty not to exceed five thousand dollars (\$5,000) for each violation in the case of a first
15 offense. Manufacturers, local governments, or persons that are repeat violators are subject to a civil
16 penalty not to exceed ten thousand dollars (\$10,000) for each repeat offense.

17 SECTION 2. Chapter 23-18.18 of the General Laws entitled "Consumer PFAS Ban Act of
18 2024" is hereby amended by adding thereto the following section:

19 **23-18.18-8. Interstate clearinghouse.**

20 The department may participate in the establishment and implementation of a
21 multijurisdictional clearinghouse to assist in carrying out the requirements of this chapter. This
22 includes, but is not limited to, the sharing of relevant information, maintenance of a database of all
23 products containing intentionally added PFAS, and a file on exemptions or waivers granted by the
24 participating jurisdictions.

25 SECTION 3. This act shall take effect upon passage.

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LC004930/SUB A
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HEALTH AND SAFETY -- CONSUMER PFAS BAN ACT OF 2024

1 This act would amend the Consumer PFAS Ban Act of 2024 by clarifying enforcement
2 provisions, providing the department of environmental management (DEM) with authority to join
3 a multijurisdictional clearinghouse to assist in carrying out the requirements of the law, and
4 providing DEM with the authority to exempt a product or category of products from the
5 prohibitions in the law.

6 This act would take effect upon passage.

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