

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 52-291)

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

~

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; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits, with certain exceptions, the discharge, use or release of
2 any Class B firefighting foam that contains intentionally added perfluoroalkyl and
3 polyfluoroalkyl substances for the purpose of testing the Class B firefighting foam
4 or firefighting training. (NRS 459.682) Beginning on October 1, 2024, **section 21**
5 of this bill prohibits, with certain exceptions, a manufacturer from selling, offering
6 for sale, distributing for sale or distributing for use any carpet or rug, fabric
7 treatment, food packaging, juvenile product, cosmetics, indoor textile furnishings or
8 indoor upholstered furniture that contains intentionally added perfluoroalkyl and
9 polyfluoroalkyl substances. **Section 21** also authorizes a manufacturer of such
10 products to include a sticker on the product label that states “NO PFAS” to inform
11 consumers that perfluoroalkyl and polyfluoroalkyl substances were not
12 intentionally added or used to make the product.

13 **Section 22** of this bill requires, with certain exceptions, a manufacturer of
14 cookware sold in this State that contains intentionally added perfluoroalkyl and
15 polyfluoroalkyl substances to list those substances on the cookware product label
16 and on any product listing for online sales: (1) that the product contains
17 intentionally added perfluoroalkyl and polyfluoroalkyl substances; and (2) an
18 Internet address and quick response code for a website that contains certain



19 information about the intentionally added perfluoroalkyl and polyfluoroalkyl
20 substances. **Section 22** also authorizes a manufacturer of cookware that does not
21 contain intentionally added perfluoroalkyl and polyfluoroalkyl substances to
22 include a sticker on the product label that states “NO PFAS” to inform consumers
23 that the product does not contain intentionally added perfluoroalkyl and
24 polyfluoroalkyl substances.
25 **Section 23** of this bill provides that a person who willfully and knowingly
26 violates the provisions of **section 21 or 22** is guilty of a misdemeanor.
27 **Section 20** of this bill provides an exception to the requirements and
28 prohibitions set forth in this bill to the extent that such provisions are preempted by
29 or conflict with federal law.
30 **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:

1 **Section 1.** Chapter 597 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 23, inclusive, of this
3 act.
4 **Sec. 2.** *As used in sections 2 to 23, inclusive, of this act, the*
5 *words and terms defined in sections 3 to 19, inclusive, of this act*
6 *have the meanings ascribed to them in those sections.*
7 **Sec. 3.** *“Adult mattress” means any mattress other than a*
8 *toddler mattress, crib mattress or other sleep product for infants.*
9 **Sec. 4.** *“Carpet or rug” means a fabric product marketed or*
10 *intended for use as a floor covering in a household or business.*
11 **Sec. 5.** (Deleted by amendment.)
12 **Sec. 6.** *“Component” means an identifiable component of a*
13 *product, regardless of whether the manufacturer of the product is*
14 *the manufacturer of the component.*
15 **Sec. 7.** *“Cookware” means a durable houseware product that*
16 *is used in a residence or kitchen to prepare, dispense or store food*
17 *or beverages, including, without limitation, any pot, pan, skillet,*
18 *grill, baking sheet, baking mold, tray, bowl or cooking utensil.*
19 **Sec. 8.** 1. *“Cosmetic” means a product that is intended to*
20 *be rubbed onto or introduced into, poured, sprinkled, sprayed on*
21 *or otherwise applied to the human body for the purposes of*
22 *cleaning, cleansing, beautifying, promoting or altering the*
23 *appearance of a person, including, without limitation, any skin*
24 *moisturizer, perfume, lipstick, nail polish, eye or facial makeup,*
25 *shampoo, conditioner, permanent wave, hair dye or deodorant.*
26 2. *The term does not include:*
27 (a) *A product that requires a prescription for distribution or*
28 *dispensation; or*
29 (b) *Hydrofluoroolefins used as propellants in cosmetics.*



1 **Sec. 9.** *“Fabric treatment” means a product applied to fabric*
2 *to give the fabric one or more characteristics, including, without*
3 *limitation, stain resistance or water resistance. The term does not*
4 *include hydrofluoroolefins used as propellants in fabric*
5 *treatments.*

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

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

18 2. *The term does not include the use of recycled materials*
19 *which may contain perfluoroalkyl and polyfluoroalkyl substances*
20 *due to the use of perfluoroalkyl and polyfluoroalkyl substances in*
21 *the original product.*

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

29 2. *The term does not include:*

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

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

40 (c) *An adult mattress; or*

41 (d) *An off-highway vehicle, as defined in NRS 490.060,*
42 *designed for use by a child, a replacement part for such an off-*
43 *highway vehicle and any protective clothing or equipment*
44 *intended for use by a child while operating such an off-highway*
45 *vehicle.*



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

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

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

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

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

19 2. *The term does not include:*

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

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

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

34 (d) *Medical food, as defined in section 5(b)(3) of the Orphan*
35 *Drug Act, 21 U.S.C. § 360ee(b)(3);*

36 (e) *Infant formula, as defined in NRS 597.990;*

37 (f) *Any packaging used for a product described in paragraphs*
38 *(a) to (e), inclusive; or*

39 (g) *A used product offered for sale or resale.*

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



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

6 **Sec. 19.** *“Upholstered furniture” means any article of*
7 *furniture that is:*

- 8 1. *Designed for sitting, resting or reclining; and*
- 9 2. *Wholly or partially stuffed with filling material.*

10 **Sec. 20.** *The provisions of sections 2 to 23, inclusive, of this*
11 *act do not apply to the extent that those provisions are preempted*
12 *by or conflict with federal law, including, without limitation, any*
13 *provision of federal law requiring the use of products that contain*
14 *intentionally added perfluoroalkyl and polyfluoroalkyl substances*
15 *or authorizing the use of intentionally added perfluoroalkyl and*
16 *polyfluoroalkyl substances in a product or any product surface*
17 *that comes into contact with food or beverages.*

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

- 22 (a) *Carpets or rugs;*
- 23 (b) *Fabric treatments;*
- 24 (c) *Food packaging;*
- 25 (d) *Juvenile products;*
- 26 (e) *Cosmetics;*
- 27 (f) *Indoor textile furnishings; or*
- 28 (g) *Indoor upholstered furniture.*

29 2. *A manufacturer of the products described in subsection 1*
30 *may include on the product label a sticker suitable to the size of*
31 *the product label stating “NO PFAS” to inform the consumer that*
32 *the product does not contain intentionally added perfluoroalkyl*
33 *and polyfluoroalkyl substances.*

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

35 (a) *A product which contains perfluoroalkyl and*
36 *polyfluoroalkyl substances due to the use of recycled materials*
37 *containing perfluoroalkyl and polyfluoroalkyl substances in the*
38 *original product;*

39 (b) *A carpet or rug that was manufactured or imported before*
40 *October 1, 2024; or*

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

43 **Sec. 22.** 1. *A manufacturer of cookware sold in this State*
44 *that contains intentionally added perfluoroalkyl and*
45 *polyfluoroalkyl substances in the handle of the product or in any*



1 *product surface that comes into contact with any food or*
2 *beverages shall:*

3 *(a) Except as otherwise provided in subsection 3, list the*
4 *presence of those substances on the product label. The list of such*
5 *substances must be prefaced by the phrase "This product*
6 *contains:";*

7 *(b) Except as otherwise provided in subsection 3, include on*
8 *the product label a statement, in both English and Spanish, that*
9 *reads: "For more information about chemicals in this product,*
10 *visit" followed by:*

11 *(1) An Internet address for a website that provides*
12 *information about why the perfluoroalkyl and polyfluoroalkyl*
13 *substances are intentionally added; and*

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

18 *(c) Include in any product listing for online sales in this State,*
19 *the information required to be included on the product label*
20 *pursuant to paragraphs (a) and (b); and*

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

24 *2. A manufacturer of cookware:*

25 *(a) Shall not claim on the packaging for cookware that the*
26 *cookware is free of perfluoroalkyl and polyfluoroalkyl substances,*
27 *unless no individual perfluoroalkyl or polyfluoroalkyl compound*
28 *has been intentionally added to the cookware.*

29 *(b) That does not contain intentionally added perfluoroalkyl*
30 *and polyfluoroalkyl substances may include on the product label a*
31 *sticker suitable to the size of the product stating "NO PFAS" to*
32 *inform the consumer that the product does not contain*
33 *intentionally added perfluoroalkyl and polyfluoroalkyl substances.*

34 *3. Cookware that meets the following requirements is exempt*
35 *from the requirements of paragraphs (a) and (b) of subsection 1:*

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

38 *(b) The cookware does not have:*

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

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

43 *4. Except as otherwise provided in subsection 3, a*
44 *manufacturer shall not sell, offer for sale, distribute for sale or*
45 *distribute for use any cookware that contains one or more*



1 *intentionally added perfluoroalkyl and polyfluoroalkyl substances*
2 *in the handle of the product or in any product surface that comes*
3 *into contact with food or beverages, unless the manufacturer and*
4 *the cookware comply with the requirements of this section.*

5 **Sec. 23.** *A person who willfully and knowingly violates the*
6 *provisions of section 21 or 22 of this act is guilty of a*
7 *misdemeanor.*

8 **Sec. 24.** (Deleted by amendment.)

9 **Sec. 25.** This act becomes effective on October 1, 2024.

Ⓢ

