

AMENDED IN SENATE JULY 13, 2021

AMENDED IN SENATE JUNE 23, 2021

AMENDED IN ASSEMBLY MAY 13, 2021

AMENDED IN ASSEMBLY MARCH 29, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 652

Introduced by Assembly Member Friedman
(Principal coauthor: Assembly Member Ting)
(Coauthor: Assembly Member Muratsuchi)
(Coauthor: Senator Stern)

February 12, 2021

An act to add Chapter 12.5 (commencing with Section 108945) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

LEGISLATIVE COUNSEL’S DIGEST

AB 652, as amended, Friedman. Product safety: juvenile products: chemicals: perfluoroalkyl and polyfluoroalkyl substances.

Existing law prohibits a person from manufacturing, selling, or distributing in commerce any bottle or cup that contains bisphenol A, at a detectable level above 0.1 parts per billion, if the bottle or cup is designed or intended to be filled with any liquid, food, or beverage intended primarily for consumption from that bottle or cup by children three years of age or younger. Existing law prohibits a person or entity from manufacturing, selling, or distributing in commerce any toy or child care article that contains di-(2-ethylhexyl) phthalate, dibutyl phthalate, or benzyl butyl phthalate, in concentrations exceeding 0.1%.

Existing law prohibits a person from manufacturing, selling, or exchanging, having in their possession with intent to sell or exchange, or exposing or offering for sale or exchange to any retailer, any toy that is contaminated with a specified toxic substance.

This bill would, on and after July 1, 2023, prohibit a person, including a manufacturer, from selling or distributing in commerce in this state any new, not previously owned, juvenile product, as defined, that contains—~~intentionally added~~ *prohibited* perfluoroalkyl and polyfluoroalkyl substances (PFAS), as defined. The bill would require a manufacturer to use the least toxic alternative when replacing PFAS chemicals in a juvenile product.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 12.5 (commencing with Section 108945)
2 is added to Part 3 of Division 104 of the Health and Safety Code,
3 to read:

4
5 CHAPTER 12.5. JUVENILE PRODUCTS
6

7 108945. For purposes of this chapter, the following definitions
8 apply:

9 (a) “Adult mattress” means a mattress other than a crib mattress
10 or toddler mattress.

11 (b) ~~“Intentionally added”~~ *“Prohibited* perfluoroalkyl and
12 polyfluoroalkyl substances” or ~~“intentionally added”~~ *“prohibited*
13 PFAS” means either of the following:

14 ~~(1) The presence or use of PFAS in a product or product~~
15 ~~component that has a functional or technical effect in the product~~
16 ~~or product component.~~

17 *(1) PFAS that a manufacturer has intentionally added to a*
18 *product and that have a functional or technical effect in the*
19 *product, including, but not limited to, the PFAS components of*
20 *intentionally added chemicals and PFAS that are intentional*
21 *breakdown products of an added chemical that also have a*
22 *functional or technical effect in the product.*

(2) The presence of PFAS in a product or product component at or above 100 parts per million, as measured in total organic fluorine.

(c) (1) “Juvenile product” means a product designed for use by infants and children under 12 years of age, including, but not limited to, a baby or toddler foam pillow, bassinet, bedside sleeper, booster seat, changing pad, child restraint system for use in motor vehicles and aircraft, co-sleeper, crib mattress, floor playmat, highchair, highchair pad, infant bouncer, infant carrier, infant seat, infant sleep positioner, infant swing, infant travel bed, infant walker, nap cot, nursing pad, nursing pillow, playmat, playpen, play yard, polyurethane foam mat, pad, or pillow, portable foam nap mat, portable infant sleeper, portable hook-on chair, soft-sided portable crib, stroller, and toddler mattress.

(2) “Juvenile product” does not include any of the following:

(A) A children’s electronic product, including, but not limited to, a personal computer, audio and video equipment, calculator, wireless phone, game console, handheld device incorporating a video screen, or any associated peripheral such as a mouse, keyboard, power supply unit, or power cord.

(B) A medical device.

(C) An internal component of a juvenile product that would not come into direct contact with a child’s skin or mouth during reasonably foreseeable use and abuse of the product.

(D) An adult mattress.

(d) “Medical device” means “device” as defined in subsection (h) of Section 321 of Title 21 of the United States Code.

(e) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

108946. On and after July 1, 2023, a person, including, but not limited to, a manufacturer, shall not sell or distribute in commerce in this state any new, not previously owned, juvenile product that contains ~~intentionally added~~ *prohibited* PFAS chemicals.

108947. A manufacturer shall use the least toxic alternative when replacing PFAS chemicals in a juvenile product in accordance with this chapter.