

1.1 Senator moves to amend the delete-everything amendment (SCS2077A-4)
1.2 to S.F. No. 2077 as follows:

1.3 Page 122, after line 6, insert:

1.4 "Sec. 27. Minnesota Statutes 2024, section 116.943, subdivision 1, is amended to read:

1.5 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
1.6 the meanings given.

1.7 (b) "Adult mattress" means a mattress other than a crib mattress or toddler mattress.

1.8 (c) "Air care product" means a chemically formulated consumer product labeled to
1.9 indicate that the purpose of the product is to enhance or condition the indoor environment
1.10 by eliminating odors or freshening the air.

1.11 (d) "Automotive maintenance product" means a chemically formulated consumer product
1.12 labeled to indicate that the purpose of the product is to maintain the appearance of a motor
1.13 vehicle, including products for washing, waxing, polishing, cleaning, or treating the exterior
1.14 or interior surfaces of motor vehicles. Automotive maintenance product does not include
1.15 automotive paint or paint repair products.

1.16 (e) "Carpet or rug" means a fabric marketed or intended for use as a floor covering.

1.17 (f) "Cleaning product" means a finished product used primarily for domestic, commercial,
1.18 or institutional cleaning purposes, including but not limited to an air care product, an
1.19 automotive maintenance product, a general cleaning product, or a polish or floor maintenance
1.20 product.

1.21 (g) "Commissioner" means the commissioner of the Pollution Control Agency.

1.22 (h) "Cookware" means durable houseware items used to prepare, dispense, or store food,
1.23 foodstuffs, or beverages. Cookware includes but is not limited to pots, pans, skillets, grills,
1.24 baking sheets, baking molds, trays, bowls, and cooking utensils.

1.25 (i) "Cosmetic" means articles, excluding soap:

1.26 (1) intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise
1.27 applied to the human body or any part thereof for the purpose of cleansing, beautifying,
1.28 promoting attractiveness, or altering the appearance; and

1.29 (2) intended for use as a component of any such article.

(j) "Currently unavoidable use" means a use of PFAS that the commissioner has determined by rule under this section to be essential for health, safety, or the functioning of society and for which alternatives are not reasonably available.

(k) "Fabric treatment" means a substance applied to fabric to give the fabric one or more characteristics, including but not limited to stain resistance or water resistance.

(l) "Intentionally added" means PFAS deliberately added during the manufacture of a product where the continued presence of PFAS is desired in the final product or one of the product's components to perform a specific function.

(m) "Juvenile product" means a product designed or marketed for use by infants and children under 12 years of age:

(1) 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; 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; play mat; 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; ~~and~~

(2) not including a children's electronic product such as 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; or an adult mattress; and

(3) not including:

(i) an off-highway vehicle made for children;

(ii) an all-terrain vehicle made for children;

(iii) an off-highway motorcycle made for children;

(iv) a snowmobile made for children;

(v) an electric-assisted bicycle made for children; or

(vi) a replacement part for a vehicle described in items (i) through (v).

(n) "Manufacturer" means the person that creates or produces a product or whose brand name is affixed to the product. In the case of a product imported into the United States, manufacturer includes the importer or first domestic distributor of the product if the person

3.1 that manufactured or assembled the product or whose brand name is affixed to the product
3.2 does not have a presence in the United States.

3.3 (o) "Medical device" has the meaning given "device" under United States Code, title
3.4 21, section 321, subsection (h).

3.5 (p) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of
3.6 fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

3.7 (q) "Product" means an item manufactured, assembled, packaged, or otherwise prepared
3.8 for sale to consumers, including but not limited to its product components, sold or distributed
3.9 for personal, residential, commercial, or industrial use, including for use in making other
3.10 products.

3.11 (r) "Product component" means an identifiable component of a product, regardless of
3.12 whether the manufacturer of the product is the manufacturer of the component.

3.13 (s) "Ski wax" means a lubricant applied to the bottom of snow runners, including but
3.14 not limited to skis and snowboards, to improve their grip or glide properties. Ski wax includes
3.15 related tuning products.

3.16 (t) "Textile" means an item made in whole or part from a natural or synthetic fiber, yarn,
3.17 or fabric. Textile includes but is not limited to leather, cotton, silk, jute, hemp, wool, viscose,
3.18 nylon, and polyester.

3.19 (u) "Textile furnishings" means textile goods of a type customarily used in households
3.20 and businesses, including but not limited to draperies, floor coverings, furnishings, bedding,
3.21 towels, and tablecloths.

3.22 (v) "Upholstered furniture" means an article of furniture that is designed to be used for
3.23 sitting, resting, or reclining and that is wholly or partly stuffed or filled with any filling
3.24 material.

3.25 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.26 Sec. 28. Minnesota Statutes 2024, section 116.943, subdivision 5, is amended to read:

3.27 Subd. 5. **Prohibitions.** (a) Beginning January 1, 2025, a person may not sell, offer for
3.28 sale, or distribute for sale in this state the following products if the product contains
3.29 intentionally added PFAS:

3.30 (1) carpets or rugs;

3.31 (2) cleaning products;

- 4.1 (3) cookware;
- 4.2 (4) cosmetics;
- 4.3 (5) dental floss;
- 4.4 (6) fabric treatments;
- 4.5 (7) juvenile products;
- 4.6 (8) menstruation products;
- 4.7 (9) textile furnishings;
- 4.8 (10) ski wax; or
- 4.9 (11) upholstered furniture.

4.10 (b) Paragraph (a) does not prohibit the sale, offering for sale, or distribution of a product
4.11 that contains intentionally added PFAS only in internal components that do not come into
4.12 direct contact with a person's skin or mouth during reasonably foreseeable use or abuse of
4.13 the product.

4.14 ~~(b)~~ (c) The commissioner may by rule identify additional products by category or use
4.15 that may not be sold, offered for sale, or distributed for sale in this state if they contain
4.16 intentionally added PFAS and designate effective dates. A prohibition adopted under this
4.17 paragraph must be effective no earlier than January 1, 2025, and no later than January 1,
4.18 2032. The commissioner must prioritize the prohibition of the sale of product categories
4.19 that, in the commissioner's judgment, are most likely to contaminate or harm the state's
4.20 environment and natural resources if they contain intentionally added PFAS.

4.21 ~~(c)~~ (d) Beginning January 1, 2032, a person may not sell, offer for sale, or distribute for
4.22 sale in this state any product that contains intentionally added PFAS, unless the commissioner
4.23 has determined by rule that the use of PFAS in the product is a currently unavoidable use.
4.24 The commissioner may specify specific products or product categories for which the
4.25 commissioner has determined the use of PFAS is a currently unavoidable use. The
4.26 commissioner may not determine that the use of PFAS in a product is a currently unavoidable
4.27 use if the product is listed in paragraph (a).

4.28 ~~(d)~~ (e) The commissioner may not take action under paragraph ~~(b)~~ (c) or ~~(c)~~ (d) with
4.29 respect to a pesticide, as defined under chapter 18B, a fertilizer, an agricultural liming
4.30 material, a plant amendment, or a soil amendment as defined under chapter 18C, unless the
4.31 commissioner of agriculture approves the action.

4.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.1 Sec. 29. Minnesota Statutes 2024, section 325E.3892, subdivision 1, is amended to read:

5.2 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
5.3 the meanings given.

5.4 (b) "Covered product" means any of the following products or product components:

5.5 (1) jewelry;

5.6 (2) toys;

5.7 (3) cosmetics and personal care products;

5.8 (4) puzzles, board games, card games, and similar games;

5.9 (5) play sets and play structures;

5.10 (6) outdoor games;

5.11 (7) school supplies, except ink pens and mechanical pencils;

5.12 (8) pots and pans;

5.13 (9) cups, bowls, and other food containers;

5.14 (10) craft supplies and jewelry-making supplies;

5.15 (11) chalk, crayons, children's paints, and other art supplies except professional artist
5.16 materials, including but not limited to oil-based paints, water-based paints, paints, pastels,
5.17 pigments, ceramic glazes, and markers;

5.18 (12) fidget spinners;

5.19 (13) costumes, costume accessories, and children's and seasonal party supplies;

5.20 (14) ~~keys~~, key chains, and key rings; and

5.21 (15) clothing, footwear, headwear, and accessories.

5.22 (c) "Pastels" means a crayon composed of powdered pigments bonded with gum or resin.

5.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.24 Sec. 30. Minnesota Statutes 2024, section 325E.3892, subdivision 2, is amended to read:

5.25 Subd. 2. **Prohibition.** (a) A person must not import, manufacture, sell, hold for sale, or
5.26 distribute or offer for use in this state any covered product containing:

5.27 (1) lead at more than 0.009 percent by total weight (90 parts per million); or

5.28 (2) cadmium at more than 0.0075 percent by total weight (75 parts per million).

6.1 (b) This section does not apply to:

6.2 (1) covered products containing lead or cadmium, or both, when regulation is preempted
6.3 by federal law; or

6.4 (2) covered products that contain lead only in solder used in internal components or in
6.5 pen tips so long as:

6.6 (i) the product is not imported, manufactured, sold, held for sale, distributed, or offered
6.7 for use in this state after July 1, 2028; and

6.8 (ii) the manufacturer of the product submits biennial reports to the commissioner of the
6.9 Pollution Control Agency that explain the barriers to removing lead from the product,
6.10 progress towards adoption of lead-free alternatives, and a timeline for full adoption of those
6.11 alternatives.

6.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.13 Sec. 31. Minnesota Statutes 2024, section 325F.072, subdivision 3, is amended to read:

6.14 Subd. 3. **Prohibition.** (a) No person, political subdivision, or state agency shall
6.15 manufacture or knowingly sell, offer for sale, distribute for sale, or distribute for use in this
6.16 state, and no person shall use in this state, class B firefighting foam containing PFAS
6.17 chemicals.

6.18 (b) This subdivision does not apply to the manufacture, sale, distribution, or use of class
6.19 B firefighting foam for which the inclusion of PFAS chemicals is required by federal law,
6.20 including but not limited to Code of Federal Regulations, title 14, section 139.317. If a
6.21 federal requirement to include PFAS chemicals in class B firefighting foam is revoked after
6.22 January 1, 2024, class B firefighting foam subject to the revoked requirements is no longer
6.23 exempt under this paragraph effective one year after the day of revocation.

6.24 (c) This subdivision does not apply to the manufacture, sale, distribution, or use of class
6.25 B firefighting foam for purposes of use at an airport, as defined under section 360.013,
6.26 subdivision 39, until the state fire marshal makes a determination that:

6.27 (1) the Federal Aviation Administration has provided policy guidance on the transition
6.28 to fluorine-free firefighting foam;

6.29 (2) a fluorine-free firefighting foam product is included in the Federal Aviation
6.30 Administration's Qualified Product Database; and

(3) a firefighting foam product included in the database under clause (2) is commercially available in quantities sufficient to reliably meet the requirements under Code of Federal Regulations, title 14, part 139.

(d) Until the state fire marshal makes a determination under paragraph (c), the operator of an airport using class B firefighting foam containing PFAS chemicals must, on or before December 31 each calendar year, submit a report to the state fire marshal regarding the status of the airport's conversion to class B firefighting foam products without intentionally added PFAS, the disposal of class B firefighting foam products with intentionally added PFAS, and an assessment of the factors listed in paragraph (c) as applied to the airport.

(e) Until January 1, 2028, this subdivision does not apply to the manufacture, sale, distribution, or use of class B firefighting foam for use in hangar fixed firefighting systems at an airport, as defined under section 360.013, subdivision 39. The commissioner of the Pollution Control Agency, in consultation with the state fire marshal, may provide the operator of an airport using class B firefighting foam containing PFAS chemicals one year extensions beyond this date upon a showing that the need for additional time is beyond the operator's control and that public safety and the environment will be protected during the period of the extension."

Renumber the sections in sequence