

House File 588 - Introduced

HOUSE FILE 588
BY CROKEN

A BILL FOR

- 1 An Act prohibiting the use, manufacture, distribution, and sale
- 2 of consumer products containing certain chemicals and making
- 3 penalties applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **455F.12 Food packaging — fire**
2 **fighting foam — fire fighting personal protective equipment —**
3 **perfluoroalkyl or polyfluoroalkyl substances.**

4 1. As used in this section, unless the context otherwise
5 requires:

6 a. "*Class B fire fighting foam*" means foam designed to
7 extinguish flammable-liquid fires.

8 b. "*Fire fighting personal protective equipment*" means any
9 clothing designed, intended, or marketed to be worn by fire
10 fighting personnel in the performance of their duties during
11 fire and rescue activities, including but not limited to jackets,
12 pants, shoes, gloves, helmets, and respiratory equipment.

13 c. "*Food packaging*" means a package, including a unit
14 package, intermediate package, or shipping container, or a
15 packaging component, including any interior or exterior blocking,
16 bracing, cushioning, weatherproofing, exterior strapping,
17 coating, closure, ink, or label, that is intended for the
18 marketing, protection, or handling of a product intended for food
19 contact or used to store food for sale.

20 d. "*Perfluoroalkyl substance*" or "*polyfluoroalkyl substance*"
21 means a class of fluorinated organic chemicals containing at
22 least one fully fluorinated carbon atom.

23 2. On and after January 1, 2026, except as otherwise
24 provided, a person shall not knowingly manufacture, sell, offer
25 for sale, distribute for sale, or distribute for use in this
26 state on or after January 1, 2026, food packaging, class B fire
27 fighting foam, or fire fighting personal protective equipment to
28 which a perfluoroalkyl substance or polyfluoroalkyl substance has
29 been intentionally added in any amount.

30 3. Subsection 2 does not apply to new food packaging, class
31 B fire fighting foam, or fire fighting personal protective
32 equipment that is sold, offered for sale, or distributed for
33 promotional purposes in the state by a retailer or wholesaler on
34 or after January 1, 2026, that was imported into the state or
35 otherwise purchased or acquired by the retailer or wholesaler for

1 sale or distribution in the state prior to January 1, 2026.

2 Sec. 2. NEW SECTION. **455F.13 Class B fire fighting foam —**
3 **prohibition — exceptions.**

4 1. For purposes of this section, unless the context otherwise
5 requires:

6 a. "Class B fire fighting foam" means the same as defined in
7 section 455F.12.

8 b. "Local government" means a county, city, township, fire
9 district, or other special purpose district that provides fire
10 fighting services.

11 c. "Perfluoroalkyl substance" or "polyfluoroalkyl substance"
12 means the same as defined in section 455F.12.

13 d. "Terminal" means a fuel storage and distribution facility
14 that has been assigned a terminal control number by the federal
15 internal revenue service.

16 2. On and after January 1, 2026, except as otherwise
17 provided, a person, local government, or state agency shall
18 not discharge or otherwise use for training purposes a class B
19 fire fighting foam that contains a perfluoroalkyl substance or
20 polyfluoroalkyl substance that was intentionally added.

21 3. Subsection 2 does not apply to the use, manufacture,
22 sale, or distribution of a class B fire fighting foam
23 that includes a perfluoroalkyl substance or polyfluoroalkyl
24 substance that was intentionally added when the inclusion of
25 the perfluoroalkyl substance or polyfluoroalkyl substance is
26 required by federal law. If an applicable federal law allows
27 the use of an alternative fire fighting agent that does not
28 contain a perfluoroalkyl substance or polyfluoroalkyl substance,
29 the department of health and human services may adopt rules that
30 restrict the use, manufacture, sale, and distribution of class B
31 fire fighting foam for uses that are addressed by the applicable
32 federal law.

33 4. Subsection 2 does not apply to the use, manufacture, sale,
34 or distribution of a class B fire fighting foam that includes
35 a perfluoroalkyl substance or polyfluoroalkyl substance that was

1 intentionally added when the class B fire fighting foam is used
2 by a person operating a terminal.

3 5. Subsection 2 does not apply to class B fire fighting foam
4 purchased by a local government or state agency prior to January
5 1, 2026.

6 Sec. 3. NEW SECTION. **455F.14 Products containing**
7 **perfluoroalkyl or polyfluoroalkyl substances.**

8 1. For purposes of this section:

9 a. "Adult mattress" means a mattress other than a crib
10 mattress or toddler mattress.

11 b. "Air care product" means a chemically formulated consumer
12 product labeled to indicate that the purpose of the product is to
13 enhance or condition the indoor environment by eliminating odors
14 or freshening the air.

15 c. "Automotive maintenance product" means a chemically
16 formulated consumer product labeled to indicate that the purpose
17 of the product is to maintain the appearance of a motor vehicle,
18 including products for washing, waxing, polishing, cleaning, or
19 treating the exterior or interior surfaces of motor vehicles.
20 "Automotive maintenance product" does not include automotive
21 paint or paint repair products.

22 d. "Carpet or rug" means a fabric marketed or intended for
23 use as a floor covering.

24 e. "Cleaning product" means a finished product used primarily
25 for domestic, commercial, or institutional cleaning purposes,
26 including but not limited to an air care product, an automotive
27 maintenance product, a general cleaning product, or a polish or
28 floor maintenance product.

29 f. "Cookware" means durable houseware items used to prepare,
30 dispense, or store food, foodstuffs, or beverages. "Cookware"
31 includes pots, pans, skillets, grills, baking sheets, baking
32 molds, trays, bowls, and cooking utensils.

33 g. "Cosmetic" means articles, excluding soap, intended to be
34 rubbed, poured, sprinkled, or sprayed on, introduced into, or
35 otherwise applied to the human body or any part thereof for the

1 purpose of cleansing, beautifying, promoting attractiveness, or
2 altering appearance, and includes items intended for use as a
3 component of any such article.

4 *h. "Currently unavoidable use"* means a use of a
5 perfluoroalkyl substance or polyfluoroalkyl substance that the
6 commission has determined by rule under this section to be
7 essential for health, safety, or the functioning of society and
8 for which alternatives are not reasonably available.

9 *i. "Director"* means the director of the department.

10 *j. "Fabric treatment"* means a substance applied to fabric
11 to give the fabric one or more characteristics, including stain
12 resistance or water resistance.

13 *k. "Intentionally added"* means the deliberate addition of
14 a perfluoroalkyl substance or polyfluoroalkyl substance during
15 the manufacture of a product when the continued presence of a
16 perfluoroalkyl substance or polyfluoroalkyl substance is desired
17 in the final product or one of the product's components to
18 perform a specific function.

19 *l. (1) "Juvenile product"* means a product designed or
20 marketed for use by infants and children under twelve years of
21 age including a baby or toddler foam pillow; bassinet; bedside
22 sleeper; booster seat; changing pad; child restraint system for
23 use in motor vehicles and aircraft; co-sleeper; crib mattress;
24 highchair; highchair pad; infant bouncer; infant carrier; infant
25 seat; infant sleep positioner; infant swing; infant travel bed;
26 infant walker; nap cot; nursing pad; nursing pillow; play mat;
27 playpen; play yard; polyurethane foam mat, pad, or pillow;
28 portable foam nap mat; portable infant sleeper; portable hook-on
29 chair; soft-sided portable crib; stroller; or toddler mattress.

30 *(2) "Juvenile product"* does not include a children's
31 electronic product such as a personal computer, audio and video
32 equipment, calculator, wireless phone, game console, handheld
33 device incorporating a video screen, or any associated peripheral
34 such as a mouse, keyboard, power supply unit, or power cord; or
35 an adult mattress.

1 *m.* "Manufacturer" means the person that creates or produces a
2 product or whose brand name is affixed to the product. In the
3 case of a product imported into the United States, "manufacturer"
4 includes the importer or first domestic distributor of the
5 product if the person that manufactured or assembled the product
6 or whose brand name is affixed to the product does not have a
7 presence in the United States.

8 *n.* "Medical device" has the meaning given "device" under 21
9 U.S.C. §321(h).

10 *o.* "Perfluoroalkyl substance" or "polyfluoroalkyl substance"
11 means the same as defined in section 455F.12.

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

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

20 *r.* "Ski wax" means a lubricant applied to the bottom of snow
21 runners, including skis and snowboards, to improve grip or glide
22 properties. "Ski wax" includes related tuning products.

23 *s.* "Textile" means an item made in whole or part from a
24 natural or synthetic fiber, yarn, or fabric. "Textile" includes
25 leather, cotton, silk, jute, hemp, wool, viscose, nylon, and
26 polyester.

27 *t.* "Textile furnishings" means textile goods of a type
28 customarily used in households and businesses, including
29 draperies, floor coverings, furnishings, bedding, towels, and
30 tablecloths.

31 *u.* "Upholstered furniture" means an article of furniture that
32 is designed to be used for sitting, resting, or reclining and
33 that is wholly or partly stuffed or filled with any filling
34 material.

35 2. *a.* By January 1, 2026, a manufacturer of a product sold,

1 offered for sale, or distributed in the state that contains an
2 intentionally added perfluoroalkyl substance or polyfluoroalkyl
3 substance must submit to the director information that includes
4 all of the following:

5 (1) A brief description of the product, including a universal
6 product code, stock keeping unit, or other numeric code assigned
7 to the product.

8 (2) The purpose for which a perfluoroalkyl substance or
9 polyfluoroalkyl substance is used in the product, including in
10 any product components.

11 (3) The amount of each perfluoroalkyl substance or
12 polyfluoroalkyl substance, identified by its chemical abstracts
13 service registry number, in the product, reported as an exact
14 quantity determined using commercially available analytical
15 methods or as falling within a range approved for reporting
16 purposes by the director.

17 (4) The name and address of the manufacturer and the
18 name, address, and phone number of a contact person for the
19 manufacturer.

20 (5) Any additional information requested by the director as
21 necessary to implement the requirements of this section.

22 b. With the approval of the director, a manufacturer may
23 supply the information required in paragraph "a" for a category
24 or type of product rather than for each individual product.

25 c. A manufacturer must submit the information required
26 under this subsection whenever a new product that contains an
27 intentionally added perfluoroalkyl substance or polyfluoroalkyl
28 substance is sold, offered for sale, or distributed in the
29 state and update and revise the information whenever there is a
30 significant change in the information or when requested to do so
31 by the director.

32 d. A person shall not sell, offer for sale, or distribute
33 for a sale in the state a product containing an intentionally
34 added perfluoroalkyl substance or polyfluoroalkyl substance if
35 the manufacturer has failed to provide the information required

1 under this subsection and the person has received a notification
2 under subsection 4.

3 3. a. The director may waive all or part of the information
4 requirement under subsection 2 if the director determines
5 that substantially equivalent information is already publicly
6 available. The director may grant a waiver under this paragraph
7 to a manufacturer or a group of manufacturers for multiple
8 products or a product category.

9 b. For a fertilizer regulated under chapter 200, an
10 agricultural liming material regulated under chapter 201A,
11 or a pesticide regulated under chapter 206, a manufacturer
12 may satisfy the requirements of subsection 2 by submitting
13 the information required by that subsection as part of its
14 registration or approval process under chapter 200, 201A, or 206.
15 For information that is regulated under chapter 200, 201A, or
16 206, the director and the secretary of agriculture must jointly
17 determine whether to make the information publicly available
18 based on applicable statutes.

19 c. The director may enter into an agreement with one or more
20 other states or political subdivisions of a state to collect
21 information and may accept information in a shared system as
22 meeting the information requirement under subsection 2.

23 d. The director may extend the deadline for submission by
24 a manufacturer of the information required under subsection 2
25 if the director determines that more time is needed by the
26 manufacturer to comply with the submission requirement.

27 4. a. If the director has reason to believe that a product
28 contains an intentionally added perfluoroalkyl substance or
29 polyfluoroalkyl substance and the product is being offered for
30 sale in the state, the director may direct the manufacturer
31 of the product to, within thirty days, provide the director
32 with testing results that demonstrate the amount of each
33 perfluoroalkyl substance or polyfluoroalkyl substance, identified
34 by its chemical abstracts service registry number, in the
35 product, reported as an exact quantity determined using

1 commercially available analytical methods or as falling within a
2 range approved for reporting purposes by the director.

3 **b.** If testing demonstrates that the product does not
4 contain an intentionally added perfluoroalkyl substance or
5 polyfluoroalkyl substance, the manufacturer must provide the
6 director a certificate attesting that the product does not
7 contain an intentionally added perfluoroalkyl substance or
8 polyfluoroalkyl substance, including testing results and any
9 other relevant information.

10 **c.** If testing demonstrates that the product contains an
11 intentionally added perfluoroalkyl substance or polyfluoroalkyl
12 substance, the manufacturer must provide the director with the
13 testing results and the information required under subsection 2.

14 **d.** A manufacturer must notify persons who sell or offer for
15 sale a product prohibited under subsection 2 or 5 that the
16 sale of that product is prohibited in this state and provide
17 the director with a list of the names and addresses of those
18 notified.

19 **e.** The director may notify persons who sell or offer for sale
20 a product prohibited under subsection 2 or 5 that the sale of
21 that product is prohibited in this state.

22 **5. a.** On and after January 1, 2026, a person shall not sell,
23 offer for sale, or distribute for sale in this state any of the
24 following products if the product contains an intentionally added
25 perfluoroalkyl substance or polyfluoroalkyl substance:

- 26 (1) Carpets or rugs.
- 27 (2) Cleaning products.
- 28 (3) Cookware.
- 29 (4) Cosmetics.
- 30 (5) Dental floss.
- 31 (6) Fabric treatments.
- 32 (7) Juvenile products.
- 33 (8) Menstruation products.
- 34 (9) Textile furnishings.
- 35 (10) Ski wax.

1 (11) Upholstered furniture.

2 b. The commission may by rule identify additional products
3 by category or use that shall not be sold, offered for sale, or
4 distributed for sale in this state if the product contains an
5 intentionally added perfluoroalkyl substance or polyfluoroalkyl
6 substance, but a prohibition adopted under this paragraph shall
7 not take effect prior to January 1, 2026. The commission shall
8 prioritize the prohibition of the sale of product categories
9 that, in the director's judgment, are most likely to contaminate
10 or harm the state's environment and natural resources if such
11 product categories contain intentionally added perfluoroalkyl
12 substances or polyfluoroalkyl substances.

13 c. On and after January 1, 2032, a person shall not sell,
14 offer for sale, or distribute for sale in this state any
15 product that contains an intentionally added perfluoroalkyl
16 substance or polyfluoroalkyl substance, unless the director has
17 determined by rule that the use of a perfluoroalkyl substance
18 or polyfluoroalkyl substance in the product is a currently
19 unavoidable use. The director may specify specific products or
20 product categories for which the director has determined the use
21 of a perfluoroalkyl substance or polyfluoroalkyl substance is
22 a currently unavoidable use. The director shall not determine
23 that the use of a perfluoroalkyl substance or polyfluoroalkyl
24 substance in a product is a currently unavoidable use if the
25 product is listed in paragraph "a".

26 d. The director shall not take action under paragraph "b" or
27 "c" with respect to a fertilizer as defined under chapter 200,
28 an agricultural liming material as defined under chapter 201A, or
29 a pesticide as defined under chapter 206 unless the secretary of
30 agriculture approves the action.

31 6. The commission may establish by rule a fee payable by a
32 manufacturer to the director upon submission of the information
33 required under subsection 2 to cover the department's reasonable
34 costs to implement this section. Fees collected under this
35 subsection shall be deposited into the environment first fund

1 created under section 8.57A and shall be used for purposes of
2 that section.

3 7. a. The director may enforce this section pursuant to
4 provisions in this chapter and rules adopted by the commission
5 pursuant to chapter 17A. The director may coordinate with the
6 secretary of agriculture or director of health and human services
7 in enforcing this section.

8 b. When requested by the director, a person must furnish to
9 the director any information that the person may have or may
10 reasonably obtain that is relevant to show compliance with this
11 section.

12 8. a. This section does not apply to the following:

13 (1) A product for which federal law governs the presence of
14 a perfluoroalkyl substance or polyfluoroalkyl substance in the
15 product in a manner that preempts state authority.

16 (2) A product regulated under section 455F.12 or 455F.13.

17 (3) The sale or resale of a used product.

18 b. Subsections 4 and 5 do not apply to a prosthetic or
19 orthotic device or to any product that is a medical device
20 or drug or that is otherwise used in a medical setting or in
21 medical applications regulated by the United States food and drug
22 administration.

23 9. The commission may adopt rules under chapter 17A as
24 necessary to implement or enforce this section.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 This bill relates to certain consumer products that contain
29 perfluoroalkyl and polyfluoroalkyl substances (PFAS). The
30 bill defines terms related to PFAS, including various types of
31 products the bill affects.

32 The bill prohibits the sale of food packaging, class B fire
33 fighting foam, and fire fighting personal protective equipment
34 that contains PFAS that were intentionally added. The bill makes
35 an exception for new food packaging, class B fire fighting foam,

1 and fire fighting personal protective equipment that is otherwise
2 subject to the prohibition but was imported into the state or
3 otherwise purchased or acquired by a retailer or wholesaler for
4 sale or distribution in the state prior to January 1, 2026.

5 The bill also prohibits a person, local government, or state
6 agency from discharging or otherwise using for training purposes
7 a class B fire fighting foam that contains PFAS that were
8 intentionally added, with certain exceptions.

9 The bill requires manufacturers to submit detailed information
10 to the director of the department of natural resources (director)
11 by January 1, 2026, for any product containing intentionally
12 added PFAS. The required information includes a description of
13 the product, the product's purpose, and the amount of each
14 PFAS in the product, contact details of the manufacturer, and
15 any other additional information requested by the director.
16 After the initial submission of information, the bill requires
17 the manufacturer to submit the required information for any
18 new products and update existing reports if significant changes
19 occur.

20 The bill allows the director to grant waivers for all or
21 part of the information requirement if similar information is
22 already publicly available or to extend the deadline requirement
23 if the director determines more time is needed. The bill
24 allows information submitted for the registration or approval
25 of fertilizers, agricultural liming material, or pesticides
26 regulated under other Code chapters to fulfill the information
27 requirements.

28 The bill allows the director to enter into an agreement with
29 one or more other states or political subdivisions of a state to
30 collect information and to accept information in a shared system
31 as meeting the information requirement.

32 If the director has reason to believe a product contains
33 intentionally added PFAS, the bill allows the director to require
34 the manufacturer of a product to test the product for PFAS to
35 confirm the presence and quantity of PFAS in the product. The

1 bill provides the procedures the manufacturer and director must
2 follow depending on the outcome of the testing.

3 The bill prohibits the sale of certain products containing
4 intentionally added PFAS starting January 1, 2026, including
5 carpets or rugs, cleaning products, cookware, cosmetics,
6 dental floss, fabric treatments, juvenile products, menstruation
7 products, textile furnishings, ski wax, and upholstered
8 furniture. The bill allows the environmental protection
9 commission (EPC) to add additional products to this list if such
10 products contain intentionally added PFAS.

11 The bill prohibits the sale of any products containing
12 intentionally added PFAS beginning January 1, 2032, unless the
13 director determines the use of PFAS in the product is an
14 unavoidable use.

15 The bill allows the director to establish rules requiring
16 a fee payable by the manufacturer upon the submission of the
17 information requirements to cover the department of natural
18 resources' reasonable costs to implement the bill. The collected
19 fees will be deposited in the environment first fund.

20 The bill authorizes the director to enforce the provisions
21 of the bill and to coordinate with other state agencies in the
22 enforcement. The bill requires manufacturers to provide relevant
23 compliance information when requested by the director.

24 The bill does not apply to products regulated by federal law,
25 products regulated under Code sections 455F.12 and 455F.13, the
26 sale of used products, certain medical drugs or devices, or
27 medical applications regulated by the United States food and drug
28 administration.

29 The bill authorizes EPC to adopt rules to implement the
30 provisions of the bill.

31 A violation of the bill is a simple misdemeanor. A simple
32 misdemeanor is punishable by confinement for no more than 30 days
33 or a fine of at least \$105 but not more than \$855 or by both.