

House Bill 3512

Sponsored by Representative NERON, Senator PATTERSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act prohibits the sale of certain products that contain PFAS. (Flesch Readability Score: 72.6).

Prohibits the distribution or sale of certain covered products that contain intentionally added perfluoroalkyl or polyfluoroalkyl substances. Requires a manufacturer of covered products to provide a certificate of compliance to persons that sell or distribute covered products in this state.

Authorizes the Attorney General to investigate and bring an action to obtain an injunction or a civil penalty for violations of the Act.

Becomes operative on January 1, 2027.

A BILL FOR AN ACT

1
2 Relating to PFAS.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. As used in sections 1 to 4 of this 2025 Act:**

5 (1) **“Air care product” means a consumer product sold for the purpose of eliminating**
6 **unpleasant odors from the air.**

7 (2) **“Artificial turf” means a synthetic material that simulates the appearance of turf**
8 **grass.**

9 (3)(a) **“Automotive maintenance product” means a consumer product sold for the purpose**
10 **of maintaining the appearance of a motor vehicle, including products for washing, waxing,**
11 **polishing, cleaning or treating the exterior or interior surfaces of motor vehicles.**

12 (b) **“Automotive maintenance product” does not include automotive paint or automotive**
13 **paint repair products.**

14 (4) **“Cleaning product” means an air care product, automotive maintenance product,**
15 **general cleaning product or a polish or floor maintenance product.**

16 (5) **“Cookware” means durable items used to prepare, store or serve food or beverages,**
17 **including but not limited to pots, pans, skillets, grills, baking sheets, baking molds, trays,**
18 **bowls, food storage containers and cooking utensils.**

19 (6)(a) **“Cosmetic” means a product intended to be rubbed, poured, sprinkled, sprayed on,**
20 **introduced into or otherwise applied to the human body, or any part thereof, for cleansing,**
21 **beautifying, promoting attractiveness or altering an individual’s appearance.**

22 (b) **“Cosmetic” does not include soap.**

23 (7) **“Covered product” means any of the following products, including any of the products’**
24 **components:**

25 (a) **Aqueous film-forming foam;**

26 (b) **Artificial turf;**

27 (c) **Cleaning products;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

- 1 (d) Carpets or rugs;
- 2 (e) Cookware;
- 3 (f) Cosmetics;
- 4 (g) Dental floss;
- 5 (h) Fabric treatments;
- 6 (i) Packaging;
- 7 (j) Juvenile products;
- 8 (k) Menstrual products;
- 9 (L) Refrigerators;
- 10 (m) Textile articles; or
- 11 (n) Ski wax.

12 (8) “Fabric treatment” means a substance applied to fabric to give the fabric one or more
13 characteristics, including but not limited to stain resistance or water resistance.

14 (9) “General cleaning product” means a soap, detergent or other consumer product sold
15 for the purpose of cleaning or disinfecting fabric, dishes or other foodwares or household or
16 institutional surfaces.

17 (10) “Intentionally added perfluoroalkyl or polyfluoroalkyl substance” means a
18 perfluoroalkyl or polyfluoroalkyl substance found in or on a covered product:

- 19 (a) That serves an intended function in the covered product;
- 20 (b) That is the intended result of a chemical reaction during the manufacture of the
21 covered product; or
- 22 (c) That is a by-product of a process used to manufacture the covered product, including
23 the use of processing agents, mold release agents or fluorination, if the manufacturer knew
24 or should have known that the process would introduce the perfluoroalkyl or polyfluoroalkyl
25 substance into or on the covered product.

26 (11)(a) “Juvenile product” means a product designed for use by infants and children under
27 12 years of age.

- 28 (b) “Juvenile product” does not include:
 - 29 (A) A consumer electronic product, including but not limited to a personal computer,
30 audio and video equipment, calculator, wireless phone, game console, handheld device incor-
31 porating a video screen or any associated peripheral such as a mouse, keyboard, power sup-
32 ply unit or power cord.
 - 33 (B) A medical device.
 - 34 (C) A mattress designed for use by an adult.

35 (12) “Manufacturer” means:

- 36 (a) The person that manufactures a product;
- 37 (b) The person whose brand name is affixed to a product;
- 38 (c) The importer of a product; or
- 39 (d) The first domestic distributor of a product.

40 (13) “Medical device” means a device, as defined in 21 U.S.C. 321(h) as in effect on the
41 effective date of this 2025 Act.

42 (14) “Menstrual product” means a product used to collect menstruation and vaginal dis-
43 charge, including but not limited to tampons, pads, sponges, menstruation underwear, disks
44 and menstrual cups.

45 (15) “Packaging” means:

1 (a) A package or container that provides a means of marketing, protecting or handling
2 a product; or

3 (b) An individually assembled component of a package or container, such as any interior
4 or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, clo-
5 sures or inks.

6 (16) "Perfluoroalkyl or polyfluoroalkyl substance" means a substance included in a class
7 of fluorinated organic chemicals containing at least one fully fluorinated carbon atom, also
8 commonly known as PFAS.

9 (17) "Polish or floor maintenance product" means a polish, wax, restorer or similar con-
10 sumer product sold for the purpose of polishing, protecting, buffing, conditioning, temporar-
11 ily sealing or maintaining furniture, floors, metal, leather or other surfaces.

12 (18) "Ski wax" means a lubricant applied to the bottom of snow runners, skis and
13 snowboards to improve their grip or glide properties, and related tuning products.

14 (19) "Textile" means an item made in whole or part from a natural or synthetic fiber,
15 yarn or fabric, including but not limited to leather, cotton, silk, jute, hemp, wool, viscose,
16 nylon or polyester.

17 (20)(a) "Textile article" means textile goods of a type customarily and ordinarily used in
18 households and businesses, including but not limited to apparel, accessories, handbags,
19 backpacks, draperies, shower curtains, furnishings, upholstery, bedding, towels, napkins and
20 tablecloths.

21 (b) "Textile article" does not include:

22 (A) Personal protective equipment; or

23 (B) Clothing items for exclusive use by members of the United States military.

24 **SECTION 2.** (1) A person may not manufacture, sell, offer for sale or distribute in or into
25 this state a new covered product that contains an intentionally added perfluoroalkyl or
26 polyfluoroalkyl substance.

27 (2) A manufacturer of a covered product shall provide to a person that offers a covered
28 product for sale in this state with a certificate of compliance stating that the covered prod-
29 uct does not contain any intentionally added perfluoroalkyl or polyfluoroalkyl substances. A
30 certificate of compliance must be signed by an authorized official of the manufacturer that
31 issued the certificate. A certificate of compliance may be provided electronically.

32 (3) This section does not apply to the sale or resale of used covered products.

33 **SECTION 3.** (1) If it appears to the Attorney General that a manufacturer has pos-
34 session, custody or control of any information, document or other material that is relevant
35 to an investigation of a violation of section 2 (1) of this 2025 Act, or that could lead to the
36 discovery of relevant information in an investigation of a violation of section 2 (1) of this 2025
37 Act, the Attorney General may execute an investigative demand and may cause an investi-
38 gative demand to be served upon the manufacturer. The investigative demand may require
39 the manufacturer:

40 (a) To appear and testify under oath at the time and place stated in the investigative
41 demand;

42 (b) To answer written interrogatories; or

43 (c) To produce relevant documentary material or physical evidence for examination at
44 the time and place stated in the investigative demand.

45 (2) An investigative demand under this section shall be served in the manner provided

1 by ORS 646.622 and may be enforced in the manner provided by ORS 646.626.

2 (3) At any time before the return date specified in an investigative demand, or within 20
 3 days after the demand has been served, whichever period is shorter, a petition to extend the
 4 return date, or to modify or set aside the demand, stating good cause including privileged
 5 material, may be filed in the appropriate court.

6 (4) Information submitted to the Attorney General under this section that is a trade se-
 7 cret, as defined in ORS 192.345, is confidential and is not subject to public disclosure under
 8 ORS 192.311 to 192.478.

9 **SECTION 4.** (1) The Attorney General may bring a civil action in the name of the state
 10 in any court of appropriate jurisdiction to:

11 (a) Obtain an injunction to restrain violations of section 2 (1) of this 2025 Act; or

12 (b) Impose a civil penalty under subsection (2) of this section for violations of section 2
 13 (1) of this 2025 Act.

14 (2) In addition to any other penalty provided by law, a person that violates section 2 (1)
 15 of this 2025 Act incurs a civil penalty not to exceed \$5,000 for a first violation of section 2
 16 (1) of this 2025 Act and \$10,000 for any subsequent violation. A violation consists of a single
 17 course of conduct with regard to an entire line of covered products that are manufactured,
 18 sold or offered for sale or distributed in or into this state.

19 (3) In any civil action under this section, there is a rebuttable presumption that the
 20 presence of total fluorine in a covered product indicates that the covered product contains
 21 an intentionally added perfluoroalkyl or polyfluoroalkyl substance.

22 (4) It is a defense to an action to impose a civil penalty under this section that a retailer
 23 or distributor that violated section 2 (1) of this 2025 Act relied in good faith on a certificate
 24 of compliance issued in compliance with section 2 (2) of this 2025 Act.

25 (5) A civil penalty recovered under this section shall be deposited in the General Fund.

26 **SECTION 5.** Sections 1 to 4 of this 2025 Act become operative on January 1, 2027.

27 **SECTION 6.** Section 1 of this 2025 Act is amended to read:

28 **Sec. 1.** As used in sections 1 to 4 of this 2025 Act:

29 (1) “Air care product” means a consumer product sold for the purpose of eliminating unpleasant
 30 odors from the air.

31 (2) “Artificial turf” means a synthetic material that simulates the appearance of turf grass.

32 (3)(a) “Automotive maintenance product” means a consumer product sold for the purpose of
 33 maintaining the appearance of a motor vehicle, including products for washing, waxing, polishing,
 34 cleaning or treating the exterior or interior surfaces of motor vehicles.

35 (b) “Automotive maintenance product” does not include automotive paint or automotive paint
 36 repair products.

37 (4) “Cleaning product” means an air care product, automotive maintenance product, general
 38 cleaning product or a polish or floor maintenance product.

39 (5) “Cookware” means durable items used to prepare, store or serve food or beverages, including
 40 but not limited to pots, pans, skillets, grills, baking sheets, baking molds, trays, bowls, food storage
 41 containers and cooking utensils.

42 (6)(a) “Cosmetic” means a product intended to be rubbed, poured, sprinkled, sprayed on, intro-
 43 duced into or otherwise applied to the human body, or any part thereof, for cleansing, beautifying,
 44 promoting attractiveness or altering an individual’s appearance.

45 (b) “Cosmetic” does not include soap.

1 (7) “Covered product” means any of the following products, including any of the products’ com-
 2 ponents:

- 3 (a) Aqueous film-forming foam;
- 4 (b) Artificial turf;
- 5 (c) Cleaning products;
- 6 (d) Carpets or rugs;
- 7 (e) Cookware;
- 8 (f) Cosmetics;
- 9 (g) Dental floss;
- 10 (h) Fabric treatments;
- 11 (i) Packaging;
- 12 (j) Juvenile products;
- 13 (k) Menstrual products;
- 14 (L) Refrigerators;
- 15 (m) Textile articles; [or]
- 16 (n) Ski wax[.]; **or**
- 17 **(o) Outdoor apparel for severe wet conditions.**

18 (8) “Fabric treatment” means a substance applied to fabric to give the fabric one or more
 19 characteristics, including but not limited to stain resistance or water resistance.

20 (9) “General cleaning product” means a soap, detergent or other consumer product sold for the
 21 purpose of cleaning or disinfecting fabric, dishes or other foodwares or household or institutional
 22 surfaces.

23 (10) “Intentionally added perfluoroalkyl or polyfluoroalkyl substance” means a perfluoroalkyl or
 24 polyfluoroalkyl substance found in or on a covered product:

- 25 (a) That serves an intended function in the covered product;
- 26 (b) That is the intended result of a chemical reaction during the manufacture of the covered
 27 product; or
- 28 (c) That is a by-product of a process used to manufacture the covered product, including the use
 29 of processing agents, mold release agents or fluorination, if the manufacturer knew or should have
 30 known that the process would introduce the perfluoroalkyl or polyfluoroalkyl substance into or on
 31 the covered product.

32 (11)(a) “Juvenile product” means a product designed for use by infants and children under 12
 33 years of age.

34 (b) “Juvenile product” does not include:

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

38 (B) A medical device.

39 (C) A mattress designed for use by an adult.

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- 41 (a) The person that manufactures a product;
- 42 (b) The person whose brand name is affixed to a product;
- 43 (c) The importer of a product; or
- 44 (d) The first domestic distributor of a product.

45 (13) “Medical device” means a device, as defined in 21 U.S.C. 321(h) as in effect on the effective

1 date of this 2025 Act.

2 (14) “Menstrual product” means a product used to collect menstruation and vaginal discharge,
3 including but not limited to tampons, pads, sponges, menstruation underwear, disks and menstrual
4 cups.

5 (15)(a) “Outdoor apparel for severe wet conditions” means outdoor apparel that is:

6 (A) Designed to provide protection against extended exposure to extremely wet conditions
7 or extended immersion in water in order to protect the health and safety of the user; and

8 (B) Designed for use by and marketed to expert or professional users.

9 (b) “Outdoor apparel for severe wet conditions” does not include clothing items for ex-
10 clusive use by members of the United States military.

11 [(15)] (16) “Packaging” means:

12 (a) A package or container that provides a means of marketing, protecting or handling a prod-
13 uct; or

14 (b) An individually assembled component of a package or container, such as any interior or ex-
15 terior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures or inks.

16 [(16)] (17) “Perfluoroalkyl or polyfluoroalkyl substance” means a substance included in a class
17 of fluorinated organic chemicals containing at least one fully fluorinated carbon atom, also com-
18 monly known as PFAS.

19 [(17)] (18) “Polish or floor maintenance product” means a polish, wax, restorer or similar con-
20 sumer product sold for the purpose of polishing, protecting, buffing, conditioning, temporarily sealing
21 or maintaining furniture, floors, metal, leather or other surfaces.

22 [(18)] (19) “Ski wax” means a lubricant applied to the bottom of snow runners, skis and
23 snowboards to improve their grip or glide properties, and related tuning products.

24 [(19)] (20) “Textile” means an item made in whole or part from a natural or synthetic fiber, yarn
25 or fabric, including but not limited to leather, cotton, silk, jute, hemp, wool, viscose, nylon or
26 polyester.

27 [(20)(a)] (21)(a) “Textile article” means textile goods of a type customarily and ordinarily used
28 in households and businesses, including but not limited to apparel, accessories, handbags, backpacks,
29 draperies, shower curtains, furnishings, upholstery, bedding, towels, napkins and tablecloths.

30 (b) “Textile article” does not include:

31 (A) Personal protective equipment; or

32 (B) Clothing items for exclusive use by members of the United States military.

33 **SECTION 7. The amendments to section 1 of this 2025 Act by section 6 of this 2025 Act**
34 **become operative on January 1, 2028.**

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