

AMENDED IN ASSEMBLY MARCH 14, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 727

Introduced by Assembly Member Weber

February 13, 2023

An act to ~~amend Section 108680~~ add Chapter 17 (commencing with Section 109030) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 727, as amended, Weber. Product safety: ~~packaging of household substances~~; cleaning products: perfluoroalkyl and polyfluoroalkyl substances.

Existing law, beginning January 1, 2025, prohibits a person or entity from manufacturing, selling, delivering, holding, or offering for sale in commerce any cosmetic product that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS), as defined. Existing law similarly prohibits, beginning January 1, 2025, a person from manufacturing, distributing, selling, or offering for sale in the state any new, not previously owned, textile articles that contain regulated PFAS, except as specified, and requires a manufacturer to use the least toxic alternative when removing regulated PFAS in textile articles to comply with these provisions.

This bill, beginning January 1, 2025, would prohibit a person from manufacturing, selling, delivering, distributing, holding, or offering for sale in the state a cleaning product that contains regulated PFAS, as specified.

Existing law requires the State Department of Public Health to adopt standards for the packaging of substances that pose hazards to children,

as specified. Existing law defines a “household substance” as any substance that is customarily produced or distributed for sale for consumption or use, or customarily stored by individuals in or about the household, and meets specified criteria.

This bill would additionally include any substance that is customarily produced or distributed for sale for consumption or use, or customarily stored by individuals in or about their residence.

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 17 (commencing with Section 109030)
2 is added to Part 3 of Division 104 of the Health and Safety Code,
3 to read:

4
5 CHAPTER 17. CLEANING PRODUCTS CONTAINING PFAS

6
7 109030. For purposes of this chapter, the following definitions
8 apply:

9 (a) “Air care product” means a chemically formulated consumer
10 product labeled to indicate that the purpose of the product is to
11 enhance or condition the indoor environment by eliminating
12 unpleasant odors or freshening the air.

13 (b) “Automotive product” means a chemically formulated
14 consumer product labeled to indicate that the purpose of the
15 product is to clean, disinfect, maintain the appearance of, polish,
16 protect, buff, condition, or otherwise care for a motor vehicle.
17 Automotive products include products for washing, waxing,
18 polishing, cleaning, or treating the exterior or interior surfaces
19 of motor vehicles.

20 (c) “Cleaning product” means a finishing product that is an
21 air care product, automotive product, general cleaning product,
22 or a polish or floor maintenance product used primarily for
23 janitorial, domestic, industrial, or institutional cleaning purposes,
24 or a water vessel product.

25 (d) “General cleaning product” means a soap, detergent, or
26 other chemically formulated consumer product labeled to indicate
27 that the purpose of the product is to clean, disinfect, sanitize, or
28 otherwise care for any of the following:

1 (1) *Fabric, dishes, or other wares.*

2 (2) *Surfaces, including, but not limited to, floors, furniture,*
3 *countertops, showers, or baths.*

4 (3) *Other hard surfaces, such as stovetops, microwaves, and*
5 *other appliances.*

6 (e) *“Intentionally added PFAS” means PFAS that a*
7 *manufacturer has intentionally added to a product or component*
8 *and that have a functional or technical effect in the product or*
9 *component.*

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

13 (g) *“Polish or floor maintenance product” means a chemically*
14 *formulated consumer product, such as polish, wax, a stripper, or*
15 *a restorer, labeled to indicate that the purpose of the product is*
16 *to clean, disinfect, polish, protect, buff, condition, temporarily*
17 *seal, strip, or maintain furniture, floors, metal, leather, or other*
18 *surfaces.*

19 (h) *“Water vessel product” means a chemically formulated*
20 *consumer product, such as an all-purpose cleaner or wash, deck*
21 *or nonskid surface cleaner, hull or bottom cleaner, product that*
22 *descales or dissolves marine growth, wax, polish, or restorer,*
23 *labeled to indicate that the purpose of the product is to maintain*
24 *the appearance of, or otherwise care for, a water vessel.*

25 109031. *Commencing January 1, 2025, a person or entity shall*
26 *not manufacture, sell, deliver, distribute, hold, or offer for sale in*
27 *commerce a cleaning product containing any of the following:*

28 (a) *Intentionally added PFAS.*

29 (b) *PFAS in a product or product component at or above any*
30 *of the following:*

31 (1) *25 parts per billion of any individual PFAS, not including*
32 *polymeric PFAS, as measured by targeted PFAS analysis.*

33 (2) *250 parts per billion of any of the following:*

34 (A) *The sum of PFAS, as measured by targeted PFAS analysis.*

35 (B) *The sum of PFAS, as measured by targeted PFAS analysis,*
36 *with prior degradation of precursors.*

37 (C) *The sum of PFAS, as measured by targeted PFAS analysis,*
38 *after degradation.*

39 (3) *50 parts per million of all PFAS combined, including*
40 *polymeric PFAS, as measured in total organic fluorine.*

1 ~~SECTION 1. Section 108680 of the Health and Safety Code~~
2 ~~is amended to read:~~

3 ~~108680. Unless the provisions or the context otherwise requires,~~
4 ~~these definitions, rules of construction, and general provisions~~
5 ~~shall govern the construction of this chapter. As used in this~~
6 ~~chapter:~~

7 ~~(a) “Department” means the State Department of Public Health.~~

8 ~~(b) “Household substance” means any substance that is~~
9 ~~customarily produced or distributed for sale for consumption or~~
10 ~~use, or customarily stored by individuals in or about the household~~
11 ~~or residence and is one of the following:~~

12 ~~(1) A hazardous substance as that term is defined in Section~~
13 ~~108125.~~

14 ~~(2) A food, drug, or cosmetic, as those terms are defined in~~
15 ~~Sections 109900, 109925, and 109935, that (A) is toxic, (B) is~~
16 ~~corrosive, (C) is an irritant, (D) is a strong sensitizer, (E) is~~
17 ~~flammable or combustible, or (F) generates pressure through~~
18 ~~decomposition, heat, or other means; if it may cause substantial~~
19 ~~personal injury or substantial illness during or as a proximate result~~
20 ~~of any customary or reasonably foreseeable handling or use,~~
21 ~~including reasonably foreseeable ingestion by children.~~

22 ~~(3) A substance intended for use as fuel when stored in a~~
23 ~~portable container and used in the heating, cooking, or refrigeration~~
24 ~~system of a residential dwelling.~~

25 ~~(c) “Package” means the immediate container or wrapping in~~
26 ~~which any household substance is contained for consumption, use,~~
27 ~~or storage by individuals in or about the household, and, for~~
28 ~~purposes of household substances, also means any outer container~~
29 ~~or wrapping used in the retail display of any such substance to~~
30 ~~consumers.~~

31 ~~“Package” does not include the following:~~

32 ~~(1) Any shipping container or wrapping used solely for the~~
33 ~~transportation of any household substance in bulk or in quantity~~
34 ~~to manufacturers, packers, or processors, or to wholesale or retail~~
35 ~~distributors thereof.~~

36 ~~(2) Any shipping container or outer wrapping used by retailers~~
37 ~~to ship or deliver any household substance to consumers unless it~~
38 ~~is the only container or wrapping.~~

39 ~~(d) “Special packaging” means packaging that is designed or~~
40 ~~constructed to be significantly difficult for children under five~~

1 ~~years of age to open or obtain a toxic or harmful amount of the~~
2 ~~substance contained therein within a reasonable time and not~~
3 ~~difficult for normal adults to use properly, but does not mean~~
4 ~~packaging that all such children cannot open or obtain a toxic or~~
5 ~~harmful amount of within a reasonable time.~~

6 ~~(e) "Labeling" means all labels and other written, printed, or~~
7 ~~graphic matter upon any household substance or its package, or~~
8 ~~accompanying the substance.~~

9 ~~(f) "Federal act" means the Poison Prevention Packaging Act~~
10 ~~of 1970 (15 U.S.C. Sec. 1471 et seq.).~~