

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 138 - L.D. 217

An Act to Support Manufacturers Whose Products Contain Perfluoroalkyl and Polyfluoroalkyl Substances

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §1614, sub-§2, ¶A, as enacted by PL 2021, c. 477, §1 and reallocated by RR 2021, c. 1, Pt. A, §54, is amended to read:

A. ~~Beginning~~ Except as provided in subsection 3, by January 1, 2023 2025, a manufacturer of a product for sale in the State that contains intentionally added PFAS shall submit to the department a written notification that includes:

- (1) A brief description of the product, including an estimate of the total number of units of the product sold annually in the State or nationally;
- (2) The purpose for which PFAS are used in the product, including in any product components;
- (3) The amount of each of the PFAS, identified by its chemical abstracts service registry number or in the absence of this number a description approved by the department, in the product, reported as an exact quantity, or as the amount of total organic fluorine if the amount of each PFAS compound is not known, determined using commercially available analytical methods or based on information provided by a supplier as falling within a range approved for reporting purposes by the department;
- (4) The name and address of the manufacturer, and the name, address and phone number of a contact person for the manufacturer; and
- (5) Any additional information established by the department by rule as necessary to implement the requirements of this section.

Sec. 2. 38 MRSA §1614, sub-§2, ¶D is enacted to read:

D. The requirements of this subsection do not apply to a manufacturer that employs 25 or fewer people.

Sec. 3. 38 MRSA §1614, sub-§4, as enacted by PL 2021, c. 477, §1 and reallocated by RR 2021, c. 1, Pt. A, §54, is amended to read:

4. Exemptions. The following are exempt from this section:

A. A product for which federal law governs the presence of PFAS in the product in a manner that preempts state authority; and

B. A package, as defined in Title 32, section 1732, subsection 4, for a product subject to Title 32, chapter 26-A or 26-B, except when the package is the product of the manufacturer; and

C. A used product or used product component.

Sec. 4. 38 MRSA §1614, sub-§7, as enacted by PL 2021, c. 477, §1 and reallocated by RR 2021, c. 1, Pt. A, §54, is amended to read:

7. Failure to provide notice. A Beginning January 1, 2025, a person may not sell, offer for sale or distribute for sale in the State a product containing intentionally added PFAS if the manufacturer has failed to provide the information required under subsection 2-, except that this prohibition does not apply to:

A. ~~The department may exempt a~~ A product exempted from the prohibition under this subsection ~~if by the department determines upon a determination by the department that the use of PFAS in the product is a currently unavoidable use-;~~

B. ~~The prohibition in this subsection does not apply to a~~ A retailer in the State unless the retailer sells, offers for sale or distributes for sale in the State a product for which the retailer has received a notification pursuant to subsection 8, paragraph B that the sale of the product is prohibited-;

C. A manufacturer exempted from the notification requirement pursuant to subsection 2, paragraph D;

D. A product for which the department has waived the notification requirement pursuant to subsection 3; and

E. A manufacturer that pursuant to subsection 3 has received from the department an extension of the deadline for submission of the information required by subsection 2. The exception under this paragraph applies only for the duration of the extension provided by the department.

Sec. 5. Retroactivity. This Act applies retroactively to January 1, 2023.