Session of 2026

HOUSE BILL No. 2674

By Representative Bohi

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AN ACT concerning the environment; enacting the PFAS protection act; prohibiting certain products that contain intentionally added PFAS; authorizing the department of health and environment to adopt rules and regulations to prohibit certain products that contain intentionally added PFAS; requiring disclosure of information and the testing of products that contain intentionally added PFAS and are sold, offered for sale, distributed or distributed for sale in this state.

Be it enacted by the Legislature of the State of Kansas:

Section 1. Sections 1 through 6, and amendments thereto, shall be known and may be cited as the PFAS protection act.

Sec. 2. As used in this act, unless the context requires otherwise:

(a) "Act" means the PFAS protection act.

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

(c) "Chemical" means a substance with a distinct molecular composition or a group of structurally related substances and includes the breakdown products of the substance or substances that form through decomposition, degradation or metabolism.

(d) "Cleaning product" means a finished product used for general cleaning purposes, including:

(1) A polish or floor maintenance product;

(2) an air care product labeled for the intended use of enhancing or conditioning the indoor environment by eliminating unpleasant odors or freshening the air; or

(3) an automotive maintenance product, other than automotive paint or an automotive paint repair product, that is labeled for the intended use of maintaining the appearance of a motor vehicle.

(e) "Consumer product" means a tangible personal property that is distributed in commerce and normally used for personal, family or household use, including product categories that are normally used in households but designed for or sold to businesses, such as commercial carpet or floor waxes.

(f) "Cookware" means durable houseware items intended for direct food contact and used to prepare, dispense or store food, foodstuffs or beverages.

(g) "Cosmetic" means a product or product component, other than soap, intended to be applied to the human body for cleansing, beautifying or promoting attractiveness.

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

(i) "Department" means the department of health and environment.

(j) "Fabric treatment" means a substance applied to fabric for stain, grease or water resistance or flame retardance.

(k) "Feminine hygiene product" means a disposable or reusable product to collect menstruation and vaginal discharge, including, but not limited to, tampons, pads, sponges, menstruation underwear, discs, applicators and menstruation cups.

(l) "Firefighting foam" means an aqueous film-forming foam containing intentionally added PFAS.

(m) "Food packaging" means a container, unit package, intermediate package or shipping container applied or providing a means to market, protect, handle, deliver, serve, contain or store food or beverage, including an individual assembled part of a food package.

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

(o) (1) "Internal components" means internal parts of a product, whether permanently affixed or removable, that are designed and intended not to be touched by a person during the intended use or handling.

(2) "Internal components" include parts of a product used for holding batteries, regardless of whether the parts are touched when replacing batteries.

(p) (1) "Juvenile product" means a product designed or marketed for use by children under 12 years of age, including, but not limited to, children's car seats, clothing and toys.

(2) "Juvenile product" does not include any electronic product, including, but not limited to:

(A) Personal computers and any associated equipment;

(B) audio and video equipment;

(C) calculators;

(D) wireless phones;

(E) gaming consoles;

(F) handheld devices incorporating a video screen; or

(G) any associated peripheral device, such as a mouse, keyboard, power supply unit or power cord.

(q) "Manufacturer" means:

(1) A person, a firm, an association, a partnership, a corporation or an organization, or a combination thereof, or a joint venture that creates, produces or assembles a product or whose brand name is affixed to a product; or

(2) in the case of a product imported into the United States, an importer or first domestic distributor of the product, if the person or entity that created, produced or assembled the product or whose brand name is affixed to the product does not have an office or employees in the United States.

(r) "Medical device" means an instrument, an apparatus, an implement, a machine, an implant or an in vitro reagent, or other similar or related device, including any component or accessory thereof, that is a product regulated as a medical device by the United States pursuant to the federal food, drug, and cosmetic act, 21 U.S.C. § 321 et seq. and is:

(1) Recognized in an official compendium;

(2) intended for use in the diagnosis of disease or other conditions or in the cure, mitigation, treatment or prevention of disease in a human or an animal; or

(3) intended to affect the structure or function of the body of a human or an animal, does not achieve its principal intended purposes through chemical action within or on the body of a human or an animal and is not dependent on being metabolized for achievement of its principal intended purpose.

(s) "Official compendium" means a comprehensive, authoritative listing of recognized medical devices, including listings published by a federal regulatory body, that details specifications, standards and accepted uses of medical devices.

(t) "PFAS" or "perfluoroalkyl or polyfluoroalkyl substance" means a substance in a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(u) "Proprietary information" means information that is a trade secret or a production, commercial or financial information of which disclosure would impair the competitive position of the submitter and make available information that would not otherwise be publicly available.

(v) "Product" means an item created, produced, assembled, packaged or otherwise prepared for sale to a consumer, including a product component sold or distributed for personal, residential, commercial or industrial use or for use in making a product.

(w) "Ski wax" means a lubricant applied to the bottom of a snow runner, including a ski or snowboard, to improve grip or glide properties. "Ski wax" includes associated tuning products.

(x) "Textile" means an item made in whole or in part from a natural

or synthetic fiber, yarn or fabric, including, but not limited to, leather, cotton, silk, jute, hemp, wool, viscose, nylon or polyester.

(y) "Textile furnishings" means a textile product made in whole or part from a natural or synthetic fiber, yarn or fabric that is used as furniture or a decorative accessory.

(z) "Upholstered furniture" means furniture that is wholly or partially stuffed with a filling material.

Sec. 3. (a) Subsections (b) through (g) shall not apply to any:

(1) Product for which federal law governs the presence of PFAS in such product in a manner that preempts state authority;

(2) used product offered for sale or resale;

(3) medical device or drug and the packaging of any such medical device or drug that is regulated by the United States food and drug administration, including any prosthetic and orthotic device;

(4) cooling, heating, ventilation, air conditioning or refrigeration equipment that contains intentionally added PFAS or any refrigerant listed as acceptable, acceptable subject to use conditions or acceptable to narrowed use limits pursuant to the significant new alternatives policy program, 40 C.F.R. part 82, subpart G, and sold, offered for sale or distributed for sale for use according to which such refrigerant is listed pursuant to such program;

(5) veterinary product, including any packaging thereof, that is intended for use in or on animals, including, but not limited to, diagnostic equipment or test kits and the veterinary product's components and any product that is a veterinary medical device, drug, biologic or parasiticide or otherwise used in a veterinary medical setting or in veterinary medical applications that are regulated by or under the jurisdiction of:

(A) The United States food and drug administration;

(B) the United States department of agriculture pursuant to the federal virus-serum-toxin act, 21 U.S.C. 151 et seq.; or

(C) the United States environmental protection agency pursuant to the federal insecticide, fungicide, and rodenticide act, 7 U.S.C. § 136 et seq;

(6) product developed or manufactured for the purpose of public health or environmental or water quality testing;

(7) motor vehicle or motor vehicle equipment that is regulated under a federal motor vehicle safety standard, as defined in 49 U.S.C. § 30102(a)(10);

(8) other motor vehicle, including, but not limited to, any off-highway vehicle or any specialty motor vehicle, such as an all-terrain vehicle, any side-by-side vehicle, farm equipment or any personal assistive mobility device;

(9) watercraft, aircraft, lighter-than-air aircraft or seaplane;

(10) semiconductor, including semiconductors incorporated in

electronic equipment, and materials used in the manufacture of semiconductors;

(11) nonconsumer electronics and nonconsumer laboratory equipment not ordinarily used for personal, family or household purposes and products that contain intentionally added PFAS only in electronic components or internal components;

(12) product that contains intentionally added PFAS with uses that are currently listed as acceptable, acceptable subject to use conditions or acceptable subject to narrowed use limits in the United States environmental protection agency's rules pursuant to the significant new alternatives policy program if the product contains intentionally added PFAS that is being used as a substitute for ozone-depleting substances under the conditions specified in such rules;

(13) product used for the generation, distribution or storage of electricity;

(14) product that contains fluoropolymers, consisting of polymeric substances for which the backbone of the polymer is either a perfluorinated or polyfluorinated carbon-only backbone or a perfluorinated polyether backbone and that are solid at standard temperature and pressure;

(15) pesticide that is regulated by or under the jurisdiction of the federal insecticide fungicide rodenticide act, 7 U.S.C. § 136 et seq.;

(16) product for which the department has adopted a rule providing that the use of the PFAS in such product is a currently unavoidable use; or

(17) equipment, parts, components or materials directly used in the manufacture, development, servicing or maintenance of the products described in paragraphs (1) through (15).

(b) Except as provided in subsection (a), beginning on January 1, 2027, a manufacturer shall not sell, offer for sale, distribute or distribute for sale in this state, directly or indirectly or through intermediaries, the following products, if any of such products contain intentionally added PFAS:

(1) Cookware, except as specified by subsection (a)(14);

(2) food packaging;

(3) dental flosses;

(4) juvenile products; and

(5) firefighting foams.

(c) Except as provided in subsection (a), beginning on January 1, 2028, a manufacturer shall not sell, offer for sale, distribute or distribute for sale in this state, directly or indirectly or through intermediaries, the following products, if any of such products contain intentionally added PFAS:

(1) Carpets or rugs;

(2) cleaning products;
(3) cosmetics;
(4) fabric treatments;
(5) feminine hygiene products;
(6) textiles;
(7) textile furnishings;
(8) ski waxes; and
(9) upholstered furniture.

(d) Except as provided in subsection (a), the department may adopt rules and regulations to prohibit manufacturers from selling, offering for sale, distributing or distributing for sale in this state, directly or indirectly or through intermediaries, consumer products not enumerated in subsections (b) and (c) but otherwise contain intentionally added PFAS by category or use upon a finding of fact that a prohibition on the product is necessary to protect human health or the environment. The department shall set effective dates for a prohibition established by any such adopted rule and regulation. Except that the department shall not set an effective date for prohibiting a product that is less than six months after the adoption of the final rules and regulations prohibiting such product or earlier than January 1, 2027. The department shall prioritize prohibiting any consumer product containing intentionally added PFAS that is most likely to harm human health or contaminate the environment.

(e) On or before January 1, 2032, the department shall submit a report to the legislature to recommend legislation to prohibit the sale, offering for sale, distribution or distribution for sale in this state of any product or product category containing intentionally added PFAS other than those enumerated under subsections (a) through (d).

(f) The department may adopt rules and regulations to determine that the use of PFAS in certain products or product categories is a currently unavoidable use.

(g) The department shall consult with the Kansas department of agriculture before adopting any rule and regulation pursuant to subsection (d) and (f) with respect to a pesticide, fertilizer, agricultural liming material or plant or soil amendment that contains intentionally added PFAS.

Sec. 4. (a) The department shall adopt rules and regulations to:

(1) Exempt from the reporting requirements established pursuant to section 5, and amendments thereto, any product containing intentionally added PFAS that is exempt pursuant to section 3(a), and amendments thereto, or that has been designated as a currently unavoidable use;

(2) create a list of ranges for the amount of PFAS in a product containing intentionally added PFAS for reporting purposes unless exempted in section 3(a), and amendments thereto;

(3) identify currently unavoidable uses of PFAS that are essential for health, safety or the functioning of society and for which alternatives are not reasonably available unless exempted in section 3(a), and amendments thereto; and

(4) (A) (i) require a periodic inventory of firefighting foam quantities stored or used in the state;

(ii) require the use of firefighting foam for emergency purposes only; and

(iii) require the cleanup of discarded firefighting foam as a hazardous waste pursuant to K.S.A. 65-3430, and amendments thereto.

(B) For purposes of this paragraph, "emergency purposes" does not include training or the use of firefighting foam in fire suppression systems.

(b) The department may determine that a product containing intentionally added PFAS is a currently unavoidable use based on determinations made by other states.

Sec. 5. (a) The department shall adopt rules and regulations that enumerate the information required of a manufacturer. The information required shall include, to the extent known to or reasonably ascertainable by the submitter:

(1) A brief description of the product, including a universal product code, stock-keeping unit or other numeric code assigned to the product;

(2) the purpose for which PFAS is used in the product;

(3) the amount of each PFAS in the product, identified by the chemical abstracts service registry number or other identifier of such PFAS and reported as an exact quantity determined using commercially available analytical methods or 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 requested by the department as necessary, except that the department shall not require disclosure of records, reports or information or particular parts of records, reports or information that would divulge confidential business records or methods or processes entitled to protection as trade secret. Additionally, the manufacturer shall, by a preponderance of the evidence, demonstrate that the requested information would divulge confidential business records, methods or processes entitled to protection as trade secrets. Any proprietary information submitted by a manufacturer pursuant to the requirements of this section that is identified by the manufacturer as proprietary information is confidential and shall be handled by the department pursuant to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto.

(b) On or before January 1, 2027, a manufacturer of a product sold,

offered for sale, distributed or distributed for sale in the state, directly or indirectly or through intermediaries, that contains intentionally added PFAS shall submit to the department the information required by subsection (a).

(c) On and after January 1, 2028, a manufacturer shall not sell, offer for sale, distribute or distribute for sale in this state, directly or indirectly or through intermediaries, a product that contains intentionally added PFAS as determined by a testing requested by the department and if such manufacturer has failed to provide the department the information required by subsection (a).

(d) On and after January 1, 2028, a manufacturer shall not sell, offer for sale, distribute or distribute for sale in this state, directly or indirectly or through intermediaries, a product that contains intentionally added PFAS unless the manufacturer has submitted to the department the information required by subsection (a). A product reported pursuant to this subsection containing intentionally added PFAS may be prohibited from sale pursuant to this act.

(e) A manufacturer shall submit a revision of the information provided on a product within 30 days of a significant change to the information that the manufacturer previously submitted or upon the request of the department.

(f) Upon written approval from the department, a manufacturer may provide the information required by this section to the department for a category or type of product or product component.

(g) The department may waive the obligation of a manufacturer to submit all or part of the information required by this section if the department determines that substantially equivalent information is publicly available. The department may grant a waiver to a manufacturer or a group of manufacturers for multiple products or a product category.

(h) The department may enter into an agreement with one or more states or political subdivisions of a state to collect information and may accept information from a shared system as meeting the information requirements of this section.

(i) The department may extend the deadline for a manufacturer to submit the information required by this section upon a determination by the department that the circumstances merit an extension of the deadline.

(j) Within 60 days of receiving information from a manufacturer, the department shall notify the manufacturer that adequate information has been received or that additional information is required. A manufacturer shall submit to the department any additional information requested by the department within 30 days of such request.

(k) The requirements of this section do not apply to products that are exempt pursuant to section 3(a), and amendments thereto.

Sec. 6. (a) If the department has reason to believe that a product containing intentionally added PFAS is being sold, offered for sale, distributed or distributed for sale in the state, directly or indirectly or through intermediaries, the department may direct the manufacturer of the product to, within 30 days, provide the department with testing results that demonstrate the amount of each PFAS in the product, identified by the applicable chemical abstracts service registry number reported as an exact quantity determined using commercially available analytical methods or as falling within a range approved for reporting purposes by the department.

(b) If a testing for PFAS demonstrates that the product does not contain intentionally added PFAS, the manufacturer shall provide the department with a certificate of compliance attesting that the product does not contain intentionally added PFAS, the testing results and any other relevant information.

(c) If a testing for PFAS demonstrates that the product contains intentionally added PFAS, the manufacturer shall:

(1) Provide to the department, within 30 days, the information required for a product pursuant to this act; and

(2) notify any person that sells, offers for sale, distributes or distributes for sale such product in this state that such product is prohibited in this state and provide the department with a list of the names and addresses of the people so notified.

(d) Pursuant to subsection (c)(2), the department may also notify any person that sells, offers for sale, distributes or distributes for sale in this state a product prohibited by this act that the product is prohibited in this state.

(e) The provisions of this section do not apply to a medical device or drug or the packaging of a medical device or drug that is regulated by the United States food and drug administration or any other product exempted in section (a)(3), and amendments thereto.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.