

House Bill 1629

By: Representative Lim of the 99th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated,
2 relating to standards, labeling, and adulteration of food generally, and Chapter 1 of Title 10
3 of the Official Code of Georgia Annotated, relating to selling and other trade practices, so
4 as to prohibit the distribution, sale, or offer for sale of any food packaging or new juvenile
5 product that contains PFAS chemicals; to require the use of the least toxic alternative in
6 replacing PFAS chemicals in the manufacturing process of such products; to provide a short
7 title; to provide for definitions; to provide for related matters; to provide an effective date;
8 to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Protection from Forever Chemicals Act."

12 **SECTION 2.**

13 Article 1 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to
14 standards, labeling, and adulteration of food generally, is amended by adding a new Code
15 section to read as follows:

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16 "26-2-5.

17 (a) As used in this Code section, the term:

18 (1) 'Food packaging' means a nondurable package, packaging component, or food service
19 ware that is intended to contain, serve, store, handle, protect, or market food, foodstuffs,
20 or beverages, and is composed, in substantial part, of paper, paperboard, or other
21 materials originally derived from plant fibers. Such term includes food or beverage
22 containers, take-out food containers, unit product boxes, liners, wrappers, serving vessels,
23 eating utensils, straws, food boxes, and disposable plates, bowls, or trays.

24 (2) 'Perfluoroalkyl and polyfluoroalkyl substances' or 'PFAS' means a class of fluorinated
25 organic chemicals containing at least one fully fluorinated carbon atom.

26 (3) 'Regulated PFAS' means either:

27 (A) PFAS that a manufacturer has intentionally added to a product and that have a
28 functional or technical effect in the product, including, but not limited to, the PFAS
29 components of intentionally added chemicals and PFAS that are intentional breakdown
30 products of an added chemical that also have a functional or technical effect in the
31 product; or

32 (B) The presence of PFAS in a product or product component at or above 100 parts per
33 million, as measured in total organic fluorine.

34 (b) No person shall distribute, sell, or offer for sale in this state any food packaging that
35 contains regulated PFAS. A manufacturer shall use the least toxic alternative when
36 replacing regulated PFAS in food packaging to comply with this Code section."

37 **SECTION 3.**

38 Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other
39 trade practices, is amended by adding a new article to read as follows:

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"ARTICLE 3541 10-1-916.42 (a) As used in this Code section, the term:

43 (1) 'Juvenile product' means a product designed for use by infants and children under 12
44 years of age, including, but not limited to, a baby or toddler foam pillow, bassinet,
45 bedside sleeper, booster seat, changing pad, child restraint system for use in motor
46 vehicles and aircraft, co-sleeper, crib mattress, floor playmat, highchair, highchair pad,
47 infant bouncer, infant carrier, infant seat, infant sleep positioner, infant swing, infant
48 travel bed, infant walker, nap cot, nursing pad, nursing pillow, playmat, playpen, play
49 yard, polyurethane foam mat, pad, or pillow, portable foam nap mat, portable infant
50 sleeper, portable hook-on chair, soft-sided portable crib, stroller, and toddler mattress.

51 Such term shall not include:

52 (A) A children's electronic product, including, but not limited to, a personal computer,
53 audio and video equipment, calculator, wireless phone, game console, handheld device
54 incorporating a video screen, or any associated peripheral such as a mouse, keyboard,
55 power supply unit, or power cord;

56 (B) A medical device as defined in 21 U.S.C. Section 321(h);

57 (C) An internal component of a juvenile product that would not come into direct
58 contact with a child's skin or mouth during reasonably foreseeable use and abuse of the
59 product; or

60 (D) An adult mattress.

61 (2) 'Perfluoroalkyl and polyfluoroalkyl substances or PFAS' means a class of
62 fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

63 (3) 'Regulated PFAS' means either:

64 (A) PFAS that a manufacturer has intentionally added to a product and that have a
65 functional or technical effect in the product, including, but not limited to, the PFAS

66 components of intentionally added chemicals and PFAS that are intentional breakdown
67 products of an added chemical that also have a functional or technical effect in the
68 product; or

69 (B) The presence of PFAS in a product or product component at or above 100 parts per
70 million, as measured in total organic fluorine.

71 (b) No person, including, but not limited to, a manufacturer, shall distribute, sell, or offer
72 for sale in this state any new, not previously owned, juvenile product that contains
73 regulated PFAS. A manufacturer shall use the least toxic alternative when replacing
74 regulated PFAS in a juvenile product to comply with this Code section."

75 **SECTION 4.**

76 This Act shall become effective on January 1, 2023.

77 **SECTION 5.**

78 All laws and parts of laws in conflict with this Act are repealed.