# SENATE BILL NO. 816

March 04, 2026, Introduced by Senators BAYER, POLEHANKI, CHANG and SHINK and referred to Committee on Natural Resources and Agriculture.

A bill to regulate the manufacturing, selling, offering for sale, or distributing for sale of products that contain intentionally added PFAS; to require certain products that contain intentionally added PFAS to contain a label; to provide for the powers and duties of certain state and local governmental officers and entities; to authorize the promulgation of rules; and to prescribe civil sanctions and provide remedies.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

Sec. 1. This act may be cited as the **"PFAS protection act"**.

Sec. 3. As used in this act:

(a) "Adult mattress" means a mattress other than a crib mattress or toddler mattress.

(b) "Air care product" means a chemically formulated consumer product that is labeled to indicate that the purpose of the product is to enhance or condition the indoor environment by eliminating odors or refreshening the air. Air care product does not include hydrofluorocarbon or hydrofluoroolefins used as propellants in cosmetics.

(c) "Apparel" means clothing items intended for daily regular wear or formal occasions, including, but not limited to, undergarments, shirts, pants, skirts, dresses, overalls, bodysuits, costumes, vests, dancewear, suits, saris, scarves, tops, leggings, school uniforms, leisurewear, athletic wear, sports uniforms, outdoor apparel, everyday swimwear, formal wear, onesies, bibs, diapers, footwear, accessories, handbags, backpacks, outdoor apparel for severe wet conditions, uniforms for workwear, and personal protective equipment or clothing items.

(d) "Automotive maintenance product" means a chemically formulated consumer product that is labeled to indicate that the purpose of the product is to maintain the appearance of a motor vehicle, including, but not limited to, products for washing, waxing, polishing, cleaning, or treating the exterior or interior surfaces of a motor vehicle. Automotive maintenance product does not include automotive paint or paint repair products.

(e) "Carpet or rug" means a fabric product marketed or intended for use as a floor covering. Carpet or rug does not include a covering intended solely for use inside aircraft, automobiles, light duty trucks, vans, buses, or any other vehicle.

(f) "Children's product" means a product designed or marketed for use by infants and children who are less than 12 years of age, including, but not limited to, a baby or toddler foam pillow, bassinet, bedside sleeper, booster seat, changing pad, child restraint system for use in a motor vehicle and aircraft, co-sleeper, crib mattress, highchair, highchair pad, infant bouncer, infant carrier, infant seat, infant sleep positioner, infant swing, infant travel bed, infant walker, nap cot, nursing pad, nursing pillow, play mat, playpen, play yard, polyurethane foam mat, pad or pillow, portable foam nap mat, portable infant sleeper, portable hook-on chair, soft-sided portable crib, stroller, or toddler mattress. Children's product does not include any children's electronic product, such as a personal computer, audio and video equipment, calculator, wireless phone, game console, handheld device incorporating a video screen, or any associated peripheral, such as a mouse, keyboard power supply unit, or power cord, or an adult mattress.

(g) "Cleaning product" means a finished product used primarily for domestic, commercial, or institutional cleaning purposes, including, but not limited to, an air care product, an automotive maintenance product, a general cleaning product, or a polish or floor maintenance product.

(h) "Cookware" means durable houseware items used to prepare, dispense, or store food, foodstuffs, or beverages, including, but not limited to, pots, pans, skillets, grills, baking sheets, baking molds, trays, plates, bowls, cutlery, and cooking utensils.

(i) "Dental floss" means a string-like device made of cotton or other fiber that is intended to remove plaque and food particles from between the teeth to reduce tooth decay.

(j) "Department" means the department of environment, Great Lakes, and energy.

(k) "Fabric treatment" means a substance applied to fabric to give the fabric 1 or more characteristics, including, but not limited to, stain or water resistance.

(*l*) "Intentionally added PFAS" means PFAS deliberately added during the manufacture of a product where the continued presence of PFAS is desired in the final product or 1 of the product's components to perform a specific function.

(m) "Label" means a display of written, printed, or graphic material that appears on or is affixed to the exterior of a product or a product's container or wrapper that is visible and legible to a consumer at the point of sale.

(n) "Manufacturer" means a person that creates or produces a product or whose brand name affixed to the product. Manufacturer includes, for any product imported into the United States, the importer or first domestic distributor of the product if the person that manufactured or assembled the product or whose brand name is affixed to the product does not have a presence in the United States.

(o) "Medical device" means a device as that term is described in 21 USC 321.

(p) "Menstruation product" means a product used to collect menstruation and vaginal discharge, including, but not limited to, tampons, pads, sponges, menstruation underwear, disks, applicators, and menstrual cups, whether disposable or reusable.

(q) "Outdoor apparel" means clothing items intended primarily for outdoor activities, including, but not limited to, hiking, camping, skiing, climbing, bicycling, and fishing.

(r) "Outdoor apparel for severe wet conditions" means outdoor apparel that are extreme- and extended-use products designed for outdoor sports experts for applications that provide protection against extended exposure to extreme rain conditions or against extended immersion in water or wet conditions, such as from snow, in order to protect the health and safety of the user and that are not marketed for general consumer use, including, but not limited to, outerwear for offshore fishing, offshore sailing, whitewater kayaking, and mountaineering.

(s) "PFAS" means all members of the class of fluorinated organic chemicals containing at least 1 fully fluorinated carbon atom.

(t) "Person" means an individual or a partnership, corporation, limited liability company, association, governmental entity, or other legal entity.

(u) "Personal protective equipment" means equipment that is worn to minimize exposure to hazards that cause serious workplace injuries and illnesses that may result from contact with chemical, radiological, physical, biological, electrical, mechanical, or other workplace or professional hazards.

(v) "Product" means an item manufactured, assembled, packaged, or otherwise prepared for sale to consumers, including, but not limited to, any product components, sold or distributed for personal, residential, commercial, or industrial use, including for use in making other products.

(w) "Product component" means any identifiable component of a product, regardless of whether the manufacturer of the product is the manufacturer of the component.

(x) "Ski wax" means any lubricant applied to the bottom of

snow runners, including, but not limited to, skis and snowboards, to improve grip or glide properties. Ski wax includes, but is not limited to, any related tuning products.

(y) "Textile" means any 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.

(z) "Textile furnishings" means textile goods of a type customarily used in households and businesses, including, but not limited to, draperies, floor coverings, furnishings, bedding, shower curtains, towels, and tablecloths. Textile furnishings does not include any textile good intended solely for use inside automobiles, light duty trucks, vans, buses, or any other vehicle; carpets or rugs; treatments containing PFAS for use on converted textiles or leathers; any vessel or its component parts, including boat covers; filtration media, and filter products used in industrial applications, including, but not limited to, chemical or pharmaceutical manufacturing and environmental control applications; textile articles used in or for laboratory analysis and testing; any aircraft or its component parts; stadium shades or other architectural fabric structures; articles intended to provide a barrier against biological fluids and other infectious agents, such as medical gowns and caps, surgical drapes, and covers; hospital linens, wound care pads, and dressings; surgical hosiery; and personal protective equipment. As used in this subdivision, "architectural fabric structure" means a permanent fabric structure that is intrinsic to a building's design or construction.

(aa) "Turnout gear" means protective clothing worn as a main source of protection for firefighters and emergency medical

services personnel during firefighting and postfire operations to minimize exposure to hazards that cause serious injuries and illnesses that may result from contact with thermal, physical, chemical, biological, or other workplace hazards. Turnout gear includes both of the following:

(*i*) Protective clothing designed to protect firefighters performing structural firefighting, proximity firefighting, wildland firefighting, and urban interface firefighting.

(*ii*) Other personal protective equipment described in section 33 of the federal fire prevention and control act of 1974, 15 USC 2229.

(bb) "Upholstered furniture" means an article of furniture that is designed to be used for sitting, resting, or reclining and that is wholly or partly stuffed or filled with any filling material. Upholstered furniture does not include furniture solely intended for use inside an aircraft.

Sec. 5. This act does not apply to any of the following:

(a) A product governed by federal law or in which federal law requires the presence of PFAS.

(b) The sale or resale of a used product.

(c) A prosthetic, orthotic device, or product that is a medical device or drug, or that is otherwise used in a medical setting or in medical applications, regulated by the United States Food and Drug Administration.

(d) A product manufactured before the effective date of this act.

(e) Replacement parts for a product manufactured before the effective date of this act.

(f) A person that employs fewer than 10 individuals.

Sec. 7. (1) Subject to section 9, beginning on January 1, 2028, a person shall not manufacture, sell, offer for sale, or distribute for sale in this state any of the following products that contain intentionally added PFAS unless the manufacturer of the product provides prior written notification to the department in accordance with subsection (2):

(a) Apparel.

(b) Carpets or rugs.

(c) Cleaning products.

(d) Cookware.

(e) Dental floss.

(f) Fabric treatment.

(g) Children's products.

(h) Menstruation products.

(i) Textile furnishings.

(j) Ski wax.

(k) Upholstered furniture.

(*l*) Turnout gear.

(m) Adult mattresses.

(2) A person may sell, offer for sale, or distribute for sale in this state any of the products listed in subsection (1) if the manufacturer of the product provides prior notification in writing to the department 1 month before the date of release of the product and the sale of the product in stores or online storefronts in this state. A notification under this subsection must include, at a minimum, all of the following:

(a) A brief description of the product to be sold, offered for sale, or distributed, including the product category and the function of PFAS in the product.

(b) All relevant chemical abstract service registry numbers or, if no such number is applicable, the molecular formulas and weights for all intentionally added PFAS in the product.

(c) For each product category, all of the following:

(*i*) The amount of each PFAS or subgroups in each product category. As used in this subparagraph, a "subgroup" means a group or subgroup that falls under the PFAS classification of chemicals.

(*ii*) The range of PFAS in the product category by percent weight.

(*iii*) If no analytical method exists, the amount of total fluorine present in the product category.

(*iv*) The name and address of the manufacturer and the name, address, and phone number of a contact person for the manufacturer.

(3) A manufacturer may supply the information required under subsection (2) for a product category or type of product that contains intentionally added PFAS rather than for each individual product.

(4) A manufacturer shall update and revise any information in a notification required under subsection (2) in writing when there is a change in the information or when requested to do so by the department.

Sec. 9. (1) Beginning on January 1, 2029, and subject to subsection (2), a person shall not manufacture, sell, offer for sale, or distribute for sale in this state a product under section 7(1) that contains intentionally added PFAS unless the product is accompanied by a legible and easily discernable label that includes the statement "Made with PFAS chemicals".

(2) This section does not require or replace a disclosure, notice, or label that is otherwise prohibited or prescribed by law.

(3) A label required under this section must be clearly visible before a sale and must inform the purchaser that PFAS is present in the product.

(4) A label affixed to a product under this section must be constructed of materials that are sufficiently durable to remain legible for the useful life of the product.

(5) The manufacturer of the product shall apply the product and package label required under this section, unless the wholesaler or retailer agrees with the manufacturer to accept responsibility for the application of the label.

Sec. 13. The department may promulgate rules to implement this act under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

Sec. 15. (1) A person that violates this act is subject to a civil fine of not more than the following for each day of violation:

(a) For a violation committed on or after the January 1 immediately following the effective date of this act, $1,000.00.

(b) For a violation committed in the year immediately following the year under subdivision (a), $5,000.00.

(c) For a violation committed after the year provided under subdivision (b), $10,000.00. The state treasurer shall annually adjust a civil fine under this subdivision by an amount determined by the state treasurer to reflect the cumulative annual percentage change in the Consumer Price Index.

(2) A violation of this act may be prosecuted by the prosecutor of the county in which the violation occurred or by the attorney general. A fine collected under this section by the attorney general must be deposited in the state general fund.

1 (3) The attorney general or the prosecutor of the county in
2 which a violation occurs may bring an action for injunctive relief
3 for a violation of this act.
4 (4) As used in this section, "Consumer Price Index" means the
5 most comprehensive index of consumer prices available for the
6 Detroit-Warren-Dearborn area from the Bureau of Labor Statistics of
7 the United States Department of Labor.