

**Joint Committee on Consumer Protection and Professional Licensure
2025-2026 (194th) Bill Summary**

BILL NUMBER: H384

TITLE: An Act relative to toxic free kids

SPONSOR(S): Hawkins, James K.

HEARING DATE: April 29, 2025

REPORTING DEADLINE: June 28, 2025

CURRENT LAW

Chapter 21A of the Massachusetts General Laws governs the executive office of energy and environmental affairs.

Section 6 of Chapter 21I establishes the Toxics Use Reduction Institute at the University of Massachusetts Lowell for the purpose of reducing the use of toxic substances and the generation of toxic by-products by promoting comprehensive environmental management practices, safer materials, and resource use efficiency through programs in research, education, and information dissemination.

SUMMARY

This legislation seeks to prohibit manufacturers, wholesalers, and retailers from knowingly selling children's products distributed as new containing "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS", substances that include any member of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

It also seeks to mandate that the department of environmental protection, in consultation with the Toxics Use Reduction Institute, create, maintain, and publish a list of "toxic chemicals of concern" in children's products by consulting several published lists, and may adopt the New York chemicals of concern list (i.e. Section 37-0905 of Title 9 of New York Law). The list may include individual chemicals or classes of chemicals. Manufacturers shall inform the department in writing within 180 days if a product they have for sale in Massachusetts contains one of the prohibited chemicals, which they must remove no more than 3 years after. Manufacturers with 25 or fewer employees may apply for an extension, and the department may adopt rules for additional exemptions.

The department shall also create and maintain a list of "high priority chemicals in children's products", which will be updated at least every 3 years and be publicly available on their website. In addition to this, they will also maintain a list of safer alternative chemicals. Within 180 days of a chemical added to such list, manufacturers shall provide notice to offerors of the product, and not later than 3 years the product may not be sold or distributed in the Commonwealth unless a federal preemption or state exemption exists.

Manufacturers found in violation shall be subject to civil penalties up to \$5,000 per violation in a first offense, and up to \$10,000 for repeat offenses.

The department shall submit a report to the General Court every three years on the toxic chemicals of concern in children's products.