



## 2025 SENATE BILL 1138

March 19, 2026 - Introduced by Senators PFAFF and HABUSH SINYKIN, cosponsored by Representative PALMERI. Referred to Committee on Natural Resources, Veteran and Military Affairs.

- 1     **AN ACT to create** 299.485 of the statutes; **relating to:** banning products  
2             containing intentionally added PFAS and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Beginning January 1, 2032, this bill prohibits the sale or distribution of certain products that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS), including food packaging, cleaning products, cosmetics, and textile furnishings. The bill prohibits the sale or distribution of all products containing intentionally added PFAS beginning January 1, 2038. The bill provides certain exemptions to this ban, including by allowing the Department of Natural Resources to identify, by rule, products in which the use of PFAS is an unavoidable use.

The bill allows DNR to require manufacturers to test certain products for PFAS. A person that violates the prohibition on sales and distribution is subject to a civil forfeiture of \$100 for each violating product, for each day that the violation continues.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SENATE BILL 1138****SECTION 1**

1           **SECTION 1.** 299.485 of the statutes is created to read:

2           **299.485 Products containing PFAS. (1) DEFINITIONS.** In this section:

3           (a) “Fabric treatment” means a substance applied to fabric to give the fabric  
4 one or more characteristics, such as stain or water resistance.

5           (b) “Food packaging” means a container applied to or providing a means to  
6 market, protect, handle, deliver, serve, contain, or store a food or beverage. “Food  
7 packaging” includes a unit package, an intermediate package, and a shipping  
8 container; unsealed receptacles, such as carrying cases, crates, cups, plates, bowls,  
9 pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs; and  
10 an individually assembled part of a food package, such as any interior or exterior  
11 blocking, bracing, cushioning, weatherproofing, exterior strapping, coating, closure,  
12 ink, and label.

13           (c) “Intentionally added PFAS” means PFAS that are deliberately added  
14 during the manufacture of a product where the continued presence of PFAS is  
15 desired in the final product or one of the product’s components to perform a specific  
16 function.

17           (d) “Juvenile product” means a product designed or marketed for use by  
18 infants and children under the age of 12, but does not include an electronic product  
19 such as a personal computer, audio and video equipment, calculator, wireless  
20 phone, game console, or any associated peripheral.

21           (e) “PFAS” means a fluorinated organic chemical containing at least one fully  
22 fluorinated carbon atom.

23           (f) “Textile furnishings” means textile goods of a type customarily used in

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1 households and businesses, including draperies, floor coverings, furnishings,  
2 bedding, towels, and tablecloths.

3 (g) “Unavoidable use” means a use of PFAS that is protective or beneficial to  
4 public health or safety or to the environment and for which there are no feasible  
5 alternatives available with a lower risk to public health and the environment.

6 **(2) PROHIBITIONS.** (a) Beginning on January 1, 2032, no person may  
7 distribute, sell, or offer for sale any of the following products if the product contains  
8 intentionally added PFAS:

9 1. Food packaging, or food products contained in food packaging.

10 2. Carpets or rugs.

11 3. Cleaning products.

12 4. Cookware.

13 5. Cosmetics.

14 6. Dental floss.

15 7. Fabric treatments.

16 8. Juvenile products.

17 9. Menstruation products.

18 10. Textile furnishings.

19 11. Ski wax.

20 12. Upholstered furniture.

21 13. A product for which the manufacturer has failed to provide the  
22 information required under sub. (4).

23 (b) The department may, by rule, identify products, in addition to those under

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1 par. (a) 1. to 13., by category or use that may not be distributed, sold, or offered for  
2 sale, and designate effective dates for such prohibitions.

3 (c) Beginning on January 1, 2038, no person may distribute, sell, or offer for  
4 sale any product that contains intentionally added PFAS, unless the department  
5 has determined, by rule, that the use of PFAS in the product is an unavoidable use.

6 **(3) EXEMPTIONS.** This section does not apply to any of the following:

7 (a) A product for which federal law governs the presence of PFAS in the  
8 product in a manner that preempts state law.

9 (b) Firefighting foam regulated under s. 299.48.

10 (c) The sale or resale of a used product.

11 (d) A prosthetic or orthotic device, or any product that is a medical device or  
12 drug or that is otherwise used in a medical setting or in medical applications  
13 regulated by the U.S. food and drug administration.

14 (e) A product for which the department has determined, by rule, that the use  
15 of PFAS in the product is an unavoidable use.

16 **(4) INFORMATION REQUIRED.** (a) On or before January 1, 2032, a  
17 manufacturer of a product distributed, sold, or offered for sale that contains  
18 intentionally added PFAS shall submit to the department a brief description of the  
19 product; the purpose for which PFAS is used in the product; the amount of each  
20 type of PFAS in the product; the name, address, and phone number for the  
21 manufacturer; and any additional information requested by the department as  
22 needed to implement this section.

23 (b) A manufacturer shall submit the information required under par. (a)

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1 whenever a new product that contains intentionally added PFAS is distributed,  
2 sold, or offered for sale, and shall revise information provided to the department  
3 whenever there is a significant change in the information.

4 (5) TESTING; CERTIFICATE OF COMPLIANCE. If the department has reason to  
5 believe that a product contains intentionally added PFAS and the product is being  
6 distributed, sold, or offered for sale, the department may direct the manufacturer of  
7 the product to, within 30 days, provide the department with testing results that  
8 demonstrate the amount of each of the PFAS in the product. If testing shows that  
9 the product does not contain intentionally added PFAS, the manufacturer shall  
10 provide the department with the testing results and a certificate attesting that the  
11 product does not contain intentionally added PFAS. If testing shows that the  
12 product contains intentionally added PFAS, the manufacturer shall provide the  
13 department with the testing results and the information required under sub. (4).

14 (6) PENALTY. A person that violates sub. (2) (a) or (c) shall be subject to a  
15 forfeiture of \$100 for each violating product, for each day that the violation  
16 continues.

17 (END)