

## CHAPTER 373

AN ACT concerning perfluoroalkyl and polyfluoroalkyl substances in firefighting personal protective equipment and supplementing Title 56 of the Revised Statutes.

**BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey:*

### C.56:8-229.1 Definitions.

#### 1. As used in this act:

“Firefighting personal protective equipment” means any clothing or wearable items designed, intended, or marketed to be worn by firefighting personnel in the performance of their duties that are designed for use in fire and rescue activities, including, but not limited to, jackets, pants, footwear, gloves, helmets, and respiratory equipment.

“Intentionally added PFAS” means PFAS added to a product or intentionally used during the development of a product or one of its product components to provide a specific characteristic, appearance, or quality, or to perform a specific function. “Intentionally added PFAS” includes any degradation byproducts of PFAS. “Intentionally added PFAS” shall not include any technically unavoidable trace quantity of PFAS, which stems from impurities in the ingredients of the product, or from the manufacturing process, storage, or packaging of the product.

“Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means the same as defined in subsection k. of section 1 of P.L.2023, c.243 (C.56:8-229).

### C.56:8-229.2 Producer of firefighting personal protective equipment defined; selling equipment with intentionally added PFAS, required written notice.

2. a. For the purposes of this section, a person shall be considered a producer of a piece of firefighting personal protective equipment if the person meets one of the following criteria:

(1) the person manufactures the firefighting personal protective equipment and owns, or is the licensee of, the brand or trademark under which the firefighting personal protective equipment is used in a commercial enterprise, sold, offered for sale, or distributed in the State;

(2) if there is no person in the State who is the producer pursuant to paragraph (1) of this subsection, the producer shall be the owner, or, if the owner is not in the State, the exclusive licensee of, a brand or trademark under which the firefighting personal protective equipment is used in a commercial enterprise, sold, offered for sale, or distributed in the State. As used in this paragraph, "licensee" means a person holding the exclusive right to use a trademark or brand in the State in connection with the manufacture, sale, or distribution of a product; or

(3) if there is no person in the State who is the producer pursuant to paragraphs (1) or (2) of this subsection, the producer shall be the person who first sells the firefighting personal protective equipment in the State.

b. Beginning one year after the effective date of this act, a producer that sells firefighting personal protective equipment containing intentionally added PFAS shall provide written notice to the purchaser at the time of sale stating:

(1) that the firefighting personal protective equipment contains intentionally added PFAS;

(2) the reason for which the firefighting personal protective equipment contains intentionally added PFAS; and

(3) the specific intentionally added PFAS contained within the product, listed by chemical name and abbreviated name.

c. A producer that sells firefighting personal protective equipment containing intentionally added PFAS and the purchaser of the firefighting personal protective equipment containing intentionally added PFAS shall retain a copy of the written notice provided pursuant to subsection b. of this section for at least three years from the date of purchase. Upon request

from the Division of Consumer Affairs in the Department of Law and Public Safety or the Division of Fire Safety in the Department of Community Affairs, the producer or purchaser shall furnish the written notice, or a copy of the written notice, and associated sales documentation to the applicable entity within 30 days of the request.

d. A violation of the provisions of subsection b. of this section shall constitute an unlawful practice for the purposes of P.L.1960, c.39 (C.56:8-1 et seq.), and the violator shall be subject to all remedies and penalties available pursuant to P.L.1960, c.39 (C.56:8-1 et seq.).

C.56:8-229.3 Prohibition against sale of firefighting personal protective equipment containing intentionally added PFAS, exceptions.

3. a. Except as provided in subsection c. of this section, beginning two years after the effective date of this act, no person shall sell, offer for sale, manufacture, or distribute for sale or use in the State any firefighting personal protective equipment containing intentionally added PFAS.

b. A violation of the provisions of subsection a. of this section shall constitute an unlawful practice for the purposes of P.L.1960, c.39 (C.56:8-1 et seq.), and the violator shall be subject to all remedies and penalties available pursuant to P.L.1960, c.39 (C.56:8-1 et seq.).

c. The provisions of this section shall not apply to non-clothing personal protective equipment, including self-contained breathing apparatuses and other respiratory protection products, hearing protection products, and protective communication devices, until January 1, 2030.

C.56:8-229.4 Liability not imposed, news media.

4. Nothing in this act shall be construed to impose liability on any news media that accept or publish advertising for any product that would otherwise be subject to the provisions of this act.

5. This act shall take effect immediately.

Approved January 20, 2026.