

Department of Legislative Services
 Maryland General Assembly
 2025 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 1112 (Delegate Hornberger, *et al.*)
 Judiciary and Health and Government
 Operations

PFAS Chemicals - Civil Actions and Prohibition on Consumer Product Sales

This bill (1) applies the definition of “PFAS chemicals” under § 6-1601 of the Environment Article to consumer products; (2) beginning July 1, 2026, prohibits a person from manufacturing, selling, offering for sale, or distributing in the State a consumer product that contains PFAS chemicals; and (3) establishes a statute of limitations for the filing of specified civil actions related to exposure to PFAS chemicals.

Fiscal Summary

State Effect: General fund expenditures for the Maryland Department of the Environment (MDE) increase by \$264,100 in FY 2026. Future years reflect annualization and inflation. Potential decrease in general fund revenues beginning in FY 2027 from sales tax revenues from consumer products banned under the bill. The expanded application of existing penalty provisions is not anticipated to materially affect State finances.

(in dollars)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
GF Revenue	\$0	(-)	(-)	(-)	(-)
GF Expenditure	\$264,100	\$307,500	\$321,300	\$335,700	\$349,900
Net Effect	(\$264,100)	(-)/-	(-)/-	(-)/-	(-)/-

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not expected to materially affect local government finances or operations.

Small Business Effect: Meaningful.

Analysis

Bill Summary:

Statute of Limitations – Wrongful Death Due to Exposure to PFAS Chemicals

A wrongful death action where exposure to PFAS chemicals was a cause of the person's death must be filed within the earlier of 10 years of the date of death or 3 years of the date when the cause of death was discovered.

Statute of Limitations – Personal Injury Action for Damages Due to Exposure to PFAS Chemicals

If exposure to PFAS chemicals was a cause of injury to a person, including any complications to pregnancy and potential damage to offspring as a result of the exposure, an action for damages must be filed within the earlier of 10 years of the date of exposure or 3 years of the date when the cause of injury was discovered.

Ban on Consumer Products Containing PFAS Chemicals

On or after July 1, 2026, a person may not manufacture, sell, offer for sale, or distribute in the State a consumer product that contains PFAS chemicals. This ban applies to consumer products not otherwise regulated under Title 6, Subtitle 16 of the Environment Article; Title 9, Subtitle 19 of the Environment Article; or § 21-259.2 of the Health-General Article.

Current Law: “PFAS chemicals” means, when used in fire-fighting agents, fire-fighting equipment, food packaging, and rugs and carpets, a class of fluorinated organic chemicals that contain at least one fully fluorinated carbon atom, including perfluoroalkyl and polyfluoroalkyl substances.

Statutes of Limitation

In general, personal injury and wrongful death actions are subject to a 3-year statute of limitations. However, exceptions exist for actions involving an “occupational disease,” which is a disease caused by exposure to any toxic substance in a place of employment and contracted during the course of employment. A wrongful death action in which an “occupational disease” was a cause of the person's death must be filed within 10 years of the time of death or 3 years of the date when the cause of death was discovered, whichever is shorter. An action for damages arising out of an occupational disease must be filed within 3 years of the discovery of facts from which it was known or reasonably should have been known that an occupational disease was the proximate cause of death, but in any event not later than 10 years from the date of death.

State Restrictions on PFAS in Products

Title 6, Subtitle 16 of the Environment Article governs PFAS chemicals and addresses the use, manufacture, sale, distribution, and disposal of Class B fire-fighting foam that contains intentionally added PFAS chemicals in the State as well as the manufacture, sale, and distribution for sale or use in the State a rug or carpet to which PFAS chemicals have been intentionally added. Manufacturers of rugs or carpets for sale or use in the State must establish a certificate of compliance to attest that the rug or carpet is in compliance and must provide the certificate to MDE on request.

Title 6, Subtitle 6A of the Environment Article governs playground surfacing materials and, among other things, prohibits a person from installing, supplying, selling, soliciting, or offering for sale in the State playground surfacing materials that contain a component product, material, or substance to which PFAS chemicals were previously intentionally added in the formation of that component where the continued presence of the PFAS chemicals was desired in the component to provide a specific characteristic.

Title 9, Subtitle 19 of the Environment Article governs toxics in packaging and, among other things, establishes that a manufacturer or distributor may not manufacture or knowingly sell, offer for sale, or distribute for sale or use in the State a food package or food packaging component designed and intended for direct food contact to which PFAS chemicals were intentionally added.

Under § 21-259.2 of the Health-General Article, a person may not knowingly manufacture, sell, deliver, hold, or offer for sale in the State a cosmetic product that contains specified PFAS chemicals (and their salts) if intentionally added.

Federal Regulation and Restrictions on PFAS Use in Plastic Containers and Pesticide Products

As part of its comprehensive national strategy to combat PFAS pollution, called the “Strategic Roadmap,” the U.S. Environmental Protection Agency (EPA) has been taking steps to restrict, remediate, and research PFAS contamination and impacts. To that end, EPA has taken several steps under numerous federal laws designed to protect human health and the environment including under the federal Toxic Substances Control Act (TSCA), which regulates the introduction of new or already existing chemicals; the Safe Drinking Water Act; and the Comprehensive Environmental Response, Compensation, and Liability Act (more commonly known as Superfund).

Pursuant to these efforts, EPA determined that PFAS present in the walls of certain fluorinated containers can be readily leached into formulated liquid products. The contamination was first noted in mosquito pesticide containers. In response, in

February 2024, EPA released a new method for detecting low levels of PFAS in the walls of plastic containers, allowing companies to test their containers before use and prevent further contamination. In July 2024, EPA [announced](#) its intention to commence appropriate proceedings under TSCA Section 6 and since then has issued a request for additional data on the prevalence of certain PFAS during the fluorination of certain plastic containers, as well as on the prevalence of fluorinated containers in the United States, alternative processes, and risk management measures, to inform EPA’s path forward with respect to regulation under TSCA section 6.

Most pesticide products contain substances in addition to the active ingredient(s) that are referred to as inert ingredients or sometimes as “other ingredients.” An inert ingredient generally is any substance (or group of similar substances) other than an active ingredient that is intentionally included in a pesticide product. Examples of inert ingredients include emulsifiers, solvents, carriers, aerosol propellants, fragrances, and dyes. In December 2022, EPA finalized the removal of 12 PFAS chemicals from the list of nonfood inert ingredients approved for use in pesticide products, effectively prohibiting the use of these ingredients in pesticide products.

State Expenditures: General fund expenditures for MDE increase by \$264,131 in fiscal 2026, which accounts for the bill’s October 1, 2025 effective date. This estimate reflects the cost of hiring four employees (two regulatory and compliance engineers, one environmental compliance specialist, and one administrative employee) to assist MDE in implementation of the bill. While the bill’s ban on PFAS chemicals begins July 1, 2026, this estimate assumes that these employees begin in October 2025 to assist MDE in its preparations for the ban. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	4.0
Salaries and Fringe Benefits	\$234,656
Operating Expenses	<u>29,475</u>
Total FY 2026 State Expenditures	\$264,131

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

The Secretary of the Environment must carry out and enforce the provisions of the Environment Article, and MDE must adopt regulations to implement Title 6, Subtitle 16 of the Environment Article, to which the environmental provisions of the bill are drafted. MDE advises that under the bill, it is required to inspect and audit manufacturing facilities, retailers, and distributors of “consumer products” and their operations to verify certificates of compliance. MDE must also (1) generate and track notifications to manufacturers, retailers, and distributors prior to July 1, 2026, and continually thereafter and (2) enforce

the law against noncompliant manufacturers, retailers, and distributors. Although the potential number of regulated consumer products is unknown, it is assumed to be substantial; thus, additional resources are assumed to be needed by MDE.

Small Business Effect: The bill has a meaningful effect on small businesses that manufacture, sell, offer for sale, or distribute consumer products that contain PFAS chemicals that are banned under the bill.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland State Treasurer's Office; Judiciary (Administrative Office of the Courts); Maryland Department of the Environment; Maryland Department of Health; Department of Legislative Services

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