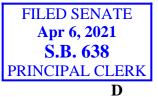
GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2021



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## SENATE BILL DRS45316-MHa-114

	Short Title:	PFAS Manufacture/Use/Sale Ban.	(Public)
	Sponsors:	Senators Garrett, Woodard, and Mayfield (Primary Sponsors).	
	Referred to:		
1		A BILL TO BE ENTITLED	
2 3	PFAS-C	O BAN THE MANUFACTURE, USE, AND DISTRIBUTION OF I ONTAINING PRODUCTS WITHIN THE STATE IN ORDER TO	
4 5		CHEALTH. Assembly of North Carolina enacts:	
6 7 8	PART I. BA	AN PFAS SECTION 1. Article 21A of Chapter 143 of the General Statutes is a	mandad by
8 9		v Part to read:	intended by
10	$\mathcal{C}$	art 8. Ban Manufacture, Use, and Distribution of Certain Toxic Chemica	ls
11		104LL. Prohibition on manufacture, use, and distribution of PFAS	
12	<u>State.</u>		
13		to person may knowingly do any of the following:	
14		1) Manufacture PFAS for use within the State or manufacture PFAS	S for export
15		from the State.	•
16	<u>(</u>	2) Use any PFAS for the production of any product within the State, of	or for export
17 18		from the State, except for products specifically authorized or contain PFAS under federal law.	required to
10	('	3) Process or distribute in commerce any PFAS, or any product	containing
20	<u>L</u> .	PFAS, for use within the State or for export from the State, except	-
21		specifically authorized or required to contain PFAS under federal	law.
22		For purposes of this section, "PFAS" means per-fluoroalkyl and poly	
23		a class of fluorinated organic chemicals containing at least one fully	fluorinated
24	carbon atom		
25		104MM. Civil penalties.	
26		The Secretary may assess a civil penalty of not more than five thous	
27		if the violation involves a hazardous waste, as defined in G.S. 130A-290,	
28		five thousand dollars (\$25,000) against any person who violates a req	<u>uirement of</u>
29	<u>this Part.</u>		
30		f any action or failure to act for which a penalty may be assessed under	
31		ection is a repeat offense, the Secretary may assess a penalty not to	
32		llars (\$10,000) per occurrence. A penalty for multiple occurrences shall	not exceed
33		thousand dollars (\$200,000) in any month.	
34		n determining the amount of the penalty, the Secretary shall consider the	
35		43B-282.1(b). The procedures set out in G.S. 143B-282.1 shall apply to a	<u>zivil penalty</u>
36	assessments that are presented to the Commission for final agency decision.		



## **General Assembly Of North Carolina** Session 2021 The Secretary shall notify any person assessed a civil penalty for the assessment and 1 (d) 2 the specific reasons therefor by registered or certified mail or by any means authorized by G.S. 1A-1, Rule 4. Contested case petitions shall be filed pursuant to G.S. 150B-23 within 30 3 4 days of receipt of the notice of assessment. 5 Requests for remission of civil penalties shall be filed with the Secretary. Remission (e) requests shall not be considered unless made within 30 days of receipt of the notice of assessment. 6 7 Remission requests must be accompanied by a waiver of the right to a contested case hearing 8 pursuant to Chapter 150B of the General Statutes and a stipulation of the facts on which the 9 assessment was based. Consistent with the limitations in G.S. 143B-282.1(c) and (d), remission requests may be resolved by the Secretary and the violator. If the Secretary and the violator are 10 11 unable to resolve the request, the Secretary shall deliver the remission request and the recommended action to the Committee on Civil Penalty Remissions of the Environmental 12 Management Commission appointed pursuant to G.S. 143B-282.1(c). 13 14 If any civil penalty has not been paid within 30 days after notice of assessment has (f) been served on the violator, the Secretary shall request the Attorney General to institute a civil 15 action in the superior court of any county in which the violator resides or the violator's principal 16 17 place of business is located in order to recover the amount of the assessment, unless the violator contests the assessment as provided in subsection (d) of this section or requests remission of the 18 19 assessment in whole or in part as provided in subsection (e) of this section. If any civil penalty 20 has not been paid within 30 days after the final agency decision or order has been served on the 21 violator, the Secretary shall request the Attorney General to institute a civil action in the superior court of any county in which the violator resides or the violator's principal place of business is 22 located to recover the amount of the assessment. A civil action must be filed within three years 23 24 of the date the final agency decision or court order was served on the violator." 25 26 PART II. FUNDING FOR PFAS MONITORING AND ENFORCEMENT 27 SECTION 2. There is appropriated from the General Fund to the Department of 28 Environmental Quality the sum of one hundred thousand dollars (\$100,000) in nonrecurring 29 funds for the 2021-2022 fiscal year to fund additional monitoring and enforcement activities to 30 address PFAS contamination in the State. 31

## 32 PART III. SEVERABILITY CLAUSE AND EFFECTIVE DATE

33 **SECTION 3.** If any section or provision of this act is declared unconstitutional or 34 invalid by the courts, it does not affect the validity of this act as a whole or any part other than 35 the part so declared to be unconstitutional or invalid.

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**SECTION 4.** This act is effective when it becomes law.