

STATE OF NEW YORK

10453

IN SENATE

May 15, 2026

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to the recall of class B firefighting foam that contains intentionally added PFAS; and to repeal certain provisions of such law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (b) of subdivision 4 of section 391-u of the
2 general business law, as amended by section 1 of part SS of chapter 58
3 of the laws of 2025, is amended to read as follows:

4 (b) A manufacturer that at any time manufactured, sold, offered for
5 sale, or distributed for sale or use a class B firefighting foam prohib-
6 ited under subdivision three of this section shall recall such product.
7 Such recall shall include collection, transport, treatment, storage and
8 safe [~~disposal~~] destruction of PFAS chemicals through or by a method
9 approved by the department of environmental conservation, and reimburse-
10 ment of the retailer or any other purchaser for such product.

11 § 2. Paragraph (b) of subdivision 3 of section 391-u of the general
12 business law, as added by chapter 88 of the laws of 2020, is amended to
13 read as follows:

14 (b) The restrictions in paragraph (a) of this subdivision shall not
15 apply to the manufacture, sale, or distribution of class B firefighting
16 foam:

17 (1) For use in suppressing or preventing an ignitable liquid fire
18 where the office of fire prevention and control, in consultation with
19 the department of environmental conservation and the department of
20 health, through promulgation of a rule, exempts a use of class B fire-
21 fighting foam on the basis that an alternative firefighting agent to
22 which PFAS chemicals have not been intentionally added and that is
23 effective in suppressing or preventing an ignitable liquid fire is not
24 available. If the office of fire prevention and control exempts a use of
25 class B firefighting foam from the restrictions in paragraph (a) of this
26 subdivision, it shall re-evaluate available alternative firefighting
27 agents at least every two years as long as the exemption remains in

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 place, and repeal such exemption upon a finding that an alternative
2 firefighting agent to which PFAS chemicals have not been intentionally
3 added is available that is effective in suppressing or preventing an
4 ignitable liquid fire.

5 (2) Where the inclusion of PFAS chemicals are required by federal law
6 or regulations. In the event that applicable federal laws or regulations
7 change after the effective date of this section to allow the use of
8 effective alternative firefighting agents that do not contain PFAS chem-
9 icals, the office of fire prevention and control [~~may~~] shall adopt rules
10 that restrict PFAS chemicals for the manufacture, sale, and distribution
11 of firefighting foam for uses that are addressed by the federal law or
12 regulation.

13 § 3. Paragraphs (a) and (b) of subdivision 5 of section 391-u of the
14 general business law, as added by chapter 88 of the laws of 2020 and
15 paragraph (a) as amended by section 4 of part SS of chapter 58 of the
16 laws of 2025, are REPEALED.

17 § 4. Paragraph (c) of subdivision 5 of section 391-u of the general
18 business law is redesignated as the opening paragraph of subdivision 5.

19 § 5. Subdivision 6 of section 391-u of the general business law, as
20 added by chapter 88 of the laws of 2020, is amended to read as follows:

21 6. The office of fire prevention and control may issue guidance to
22 state agencies, fire protection districts and local governments in
23 avoiding the purchase or use of class B firefighting foams to which PFAS
24 chemicals have been intentionally added [~~and to give priority and pref-
25 erence to the purchase of firefighting personal protective equipment
26 that does not contain PFAS chemicals~~].

27 § 6. This act shall take effect immediately; provided, however, that
28 sections three, four, and five of this act shall take effect January 1,
29 2028.