SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 373

1.1   A bill for an act

1.2   relating to environment; regulating use of certain chemicals in food packaging;
1.3   requiring rulemaking; proposing coding for new law in Minnesota Statutes, chapter
1.4   116.

1.5   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6   Section 1. **[116.9408] FOOD PACKAGING; PFAS.**

1.7   Subdivision 1. **Definitions.** For purposes of this section, the following terms have the

1.8   meanings given:

1.9   (1) "bisphenols" means a group of chemical compounds with two hydroxyphenyl

1.10   functionalities that are structurally similar to bisphenol A as defined by United States

1.11   Environmental Protection Agency's CompTox Chemicals Dashboard;

1.12   (2) "commissioner" means the commissioner of the Pollution Control Agency;

1.13   (3) "food package" means a package that is designed for direct food contact and includes

1.14   but is not limited to:

1.15   (i) a food or beverage product that is contained in a food package or to which a food

1.16   package is applied;

1.17   (ii) a packaging component of a food package; and

1.18   (iii) plastic disposable gloves used in commercial or institutional food service;

1.19   (4) "incidental presence" means the presence of a chemical as an unintended or undesired

1.20   ingredient of a package or packaging component;

Section 1.   1

2.1   (5) "package" means a container providing a means of marketing, protecting, or handling

2.2   a product and includes:

2.3   (i) a unit package, an intermediate package, and a shipping container; and

2.4   (ii) unsealed receptacles such as carrying cases, crates, cups, pails, rigid foil and other

2.5   trays, wrappers and wrapping films, bags, and tubs;

2.6   (6) "packaging component" means an individual assembled part of a package such as

2.7   any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping,

2.8   coatings, closures, inks, and labels;

2.9   (7) "perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of

2.10   fluorinated organic chemicals containing at least one fully fluorinated carbon atom; and

2.11   (8) "phthalates" means any member of the class of organic chemicals that are esters of

2.12   phthalic acid containing 2 carbon chains located in the ortho position.

2.13   Subd. 2. **Food packaging.** (a) No person may manufacture, knowingly sell, offer for

2.14   sale, distribute for sale, or distribute for use in the state a food package to which PFAS have

2.15   been intentionally added in any amount greater than an incidental presence.

2.16   (b) No person may manufacture, knowingly sell, offer for sale, distribute for sale, or

2.17   distribute for use in the state a food package that includes inks, dyes, pigments, adhesives,

2.18   stabilizers, coatings, plasticizers, or any other additives to which phthalates have been

2.19   intentionally added in any amount greater than an incidental presence.

2.20   (c) No person may manufacture, knowingly sell, offer for sale, distribute for sale, or

2.21   distribute for use in the state a food package to which bisphenols have been intentionally

2.22   added in any amount greater than an incidental presence.

2.23   Subd. 3. **Compliance.** A manufacturer subject to the prohibitions under this section

2.24   must develop a certificate of compliance under this section. A certificate of compliance

2.25   attests that a manufacturer's product or products meets the requirements of this section. If

2.26   the commissioner requests the certificate, the manufacturer must provide the certificate

2.27   within 30 calendar days after the request is made.

2.28   Subd. 4. **Rules.** The commissioner must adopt rules necessary to implement, administer,

2.29   and enforce this section.

2.30   **EFFECTIVE DATE.** Subdivisions 2 and 3 are effective January 1, 2023. Subdivisions

2.31   1 and 4 are effective July 1, 2021.