HOUSE . . . . . No. 4820

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 2, 2022.

The committee on Public Health to whom was referred the petition (accompanied by bill, House, No. 2348) of Jack Patrick Lewis and others for legislation to ban the use of certain chemicals in food packaging, and the petition (accompanied by bill, House, No. 2391) of David M. Rogers and others for legislation to prohibit the use of polystyrene foam food containers, reports recommending that the accompanying bill (House, No. 4820) ought to pass.

For the committee,

MARJORIE C. DECKER.

FILED ON: 5/27/2022

HOUSE . . . . . No. 4820

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act to ban the use of PFAS in food packaging.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 94B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after Section 10 the following section:-

Section 11. (a) As used in this section, the following words shall have the following meanings:-

“Food package", a package or packaging component that is intended for the marketing, protection, or handling of a product intended for food contact or used to store food and foodstuffs for sale.

"Manufacturer", a person, firm, association, partnership, government entity, organization, joint venture, or corporation that applies a package to a product for distribution or sale.

"Package", a container providing a means of marketing, protecting, or handling a product which shall include a unit package, an intermediate package, a package used for shipping or

transport and unsealed receptacles such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.

"Packaging component", an individual assembled part of a package such as, but not limited to, any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, and labels.

"Perfluoroalkyl and polyfluoroalkyl substances", a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(b) No person or entity shall manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in the commonwealth food packaging to which perfluoroalkyl and polyfluoroalkyl substances have been intentionally added in any amount.

(c) A certificate of compliance stating that a package or packaging component is in compliance with the requirements of this act shall be furnished by its manufacturer or supplier to its purchaser. The certificate of compliance shall be signed by an authorized official of the manufacturing or supplying company. The purchaser shall retain the certificate of compliance for as long as the package or packaging component is in use. A copy of the certificate of compliance shall be kept on file by the manufacturer or supplier of the package or packaging component. Certificates of compliance, or copies thereof, shall be furnished to the department of public health upon request and to members of the public in accordance with section 9.

If the manufacturer or supplier of the package or packaging component reformulates or creates a new package or packaging component, the manufacturer or supplier shall provide an amended or new certificate of compliance for the reformulated or new package or packaging component.

SECTION 3. Subsection (b) of section 1 shall take effect on January 1, 2023.

SECTION 4. Subsection (c) of said section 1 shall take effect 90 days after the effective date of this act.