SENATE DOCKET, NO. 1912 FILED ON: 1/20/2023

SENATE . . . . . No. 1431

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to chemicals in food packaging.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Michael O. Moore	*Second Worcester*	
David Paul Linsky	*5th Middlesex*	*2/15/2023*
John F. Keenan	*Norfolk and Plymouth*	*3/14/2023*
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	*6/8/2023*
Walter F. Timilty	*Norfolk, Plymouth and Bristol*	*6/14/2023*
Marc R. Pacheco	*Third Bristol and Plymouth*	*6/14/2023*

SENATE DOCKET, NO. 1912 FILED ON: 1/20/2023

SENATE . . . . . No. 1431

By Mr. Moore, a petition (accompanied by bill, Senate, No. 1431) of Michael O. Moore and David Paul Linsky for legislation relative to chemicals in food packaging. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1494* OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to chemicals 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 2020 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 including, 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 section shall be furnished by its manufacturer or supplier to its purchaser. The certificate of compliance shall be signed by an authorized officer 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 2. Subsection (b) of section 1 shall take effect on January 1, 2025.

SECTION 3. Subsection (c) of said section 1 shall take effect 90 days after the effective date of this act.