

**HOUSE . . . . . No. 3959**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Sean Garballey*

*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 promoting food safety by prohibiting harmful additives in food products.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/16/2025</i>

**HOUSE . . . . . No. 3959**

By Representative Garballey of Arlington, a petition (accompanied by bill, House, No. 3959) of Sean Garballey relative to additives in food products. Public Health.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

An Act promoting food safety by prohibiting harmful additives in food products.

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

1 SECTION 1. Chapter 94 of the General Laws is hereby amended by adding the following  
2 section:-

3 Section 330. (a) For purposes of this section, the following terms shall, unless the context  
4 clearly requires otherwise, have the following meanings:

5 “CAS”, Chemical Abstracts Service.

6 “Potassium bromate”, a chemical compound with the CAS Registry Number 7758-01-2.

7 “Propylparaben”, a chemical compound with the CAS Registry Number 94-13-3.

8 (b) No person, entity or business shall manufacture, sell, deliver, distribute, hold or offer  
9 for sale in commerce within the commonwealth any food product containing potassium bromate  
10 or propylparaben.

11 (c) The department of public health shall adopt regulations necessary to implement and  
12 enforce this section, which shall include, but not be limited to, standards for compliance testing,  
13 reporting requirements and penalties for violations.

14 (d) This section shall not apply to:

15 (i) food products manufactured or distributed outside the commonwealth that are not  
16 intended for sale or distribution within the commonwealth; or

17 (ii) food additives approved by the United States Food and Drug Administration for uses  
18 other than as specified herein.

19 (e) Any individual or entity found to be in violation of this section shall be subject to a  
20 fine not to exceed a specific amount, as determined by the department of public health, for each  
21 instance of noncompliance.

22 SECTION 2. Section 223 of chapter 111 of the General Laws, as appearing in the 2022  
23 Official Edition, is hereby amended by adding the following 2 subsections:

24 (h) No foods or beverages, including competitive foods or beverages, may be sold or  
25 provided on public school grounds if they contain any of the following substances:

26 (i) Blue 1 – CAS 3844-45-9;

27 (ii) Blue 2 – CAS 860-22-0;

28 (iii) Green 3 – CAS 2353-45-9;

29 (iv) Red 40 – CAS 25956-17-6;

30 (v) Yellow 5 – CAS 1934-21-0; or

31 (vi) Yellow 6 – CAS 2783-94-0.

32 (i) A school may permit the sale of foods and beverages that do not comply with  
33 subsection (h) if the sale of such items takes place either:

34 (i) off and away from the premises of the school;

35 (ii) on school premises at least one-half hour after the end of the school day; or

36 (iii) at booster sales, concession stands and other school-sponsored or school-related  
37 fundraisers and events.

38 SECTION 3. Section 1 shall take effect on January 1, 2027.

39 SECTION 4. Section 2 shall take effect on December 31, 2028.