

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1182

H.P. 819

House of Representatives, March 28, 2017

**An Act Regarding the Disclosure of Hormone-disrupting Chemicals
in Packaged Food**

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BATES of Westbrook.
Cosponsored by Senator DAVIS of Piscataquis and
Representatives: BABBIDGE of Kennebunk, BEEBE-CENTER of Rockland, CASÁS of
Rockport, HARVELL of Farmington, O'NEIL of Saco, WADSWORTH of Hiram, WHITE of
Washburn.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA c. 552** is enacted to read:

3 **CHAPTER 552**

4 **HORMONE-DISRUPTING CHEMICALS IN FOOD OR BEVERAGE**
5 **PRODUCTS**

6 **§2231. Definitions**

7 As used in this chapter, unless the context otherwise indicates, the following terms
8 have the following meanings.

9 **1. Department.** "Department" means the Department of Agriculture, Conservation
10 and Forestry.

11 **2. Distributor.** "Distributor" has the same meaning as under Title 32, section 1732,
12 subsection 2.

13 **3. Food or beverage packaging.** "Food or beverage packaging" or "food or
14 beverage package" means a container or wrapper intended to be in contact with food or
15 beverages and used to store food or beverages for sale. "Food or beverage packaging"
16 includes, but is not limited to, boxes, foil or plastic wrapping, paper and aluminum or
17 other metal cans and pouches.

18 **4. Food or beverage product.** "Food or beverage product" means any food or
19 beverage that is contained in a food or beverage package at the time of sale.

20 **5. Manufacturer.** "Manufacturer" means a person who manufactured a food or
21 beverage product or whose brand name is affixed to the food or beverage product. In the
22 case of a food or beverage product that was imported into the United States,
23 "manufacturer" includes the importer or first domestic distributor of the food or beverage
24 product if the person who manufactured or assembled the food or beverage product or
25 whose brand name is affixed to the food or beverage product does not have a presence in
26 the United States.

27 **6. Ortho-phthalates.** "Ortho-phthalates" means any chemical belonging to the class
28 of ortho-phthalates or dialkyl ortho-phthalates.

29 **7. Packaging component.** "Packaging component" means any individual part of a
30 food or beverage package such as, but not limited to, any interior or exterior blocking,
31 cushioning, coatings, closures, inks and labels.

32 **§2232. Disclosure requirements for ortho-phthalates in food or beverage products**

33 **1. Disclosure requirements for food or beverage products.** Beginning 12 months
34 after the effective date of this section and by January 1st every year thereafter, a person
35 that is a manufacturer or a distributor of a food or beverage product for sale shall submit
36 to the department written notice if ortho-phthalates or any other chemicals that the

1 department determines pose a human health hazard are present in an amount greater than
2 a de minimus level in:

3 A. The food or beverage packaging; or

4 B. The food or beverage product.

5 **2. Information to be disclosed.** A manufacturer or distributor subject to the
6 disclosure requirements in this section shall include the following in the written notice to
7 the department required by subsection 1:

8 A. The brand and product name of the food or beverage product containing ortho-
9 phthalates or other chemicals;

10 B. The packaging component of the food or beverage packaging containing ortho-
11 phthalates or other chemicals;

12 C. Whether the food or beverage product within the food or beverage packaging
13 contains ortho-phthalates or other chemicals;

14 D. The number of units of the food or beverage product being distributed for sale
15 both in the State and nationally;

16 E. The chemical abstracts service registry numbers of the ortho-phthalates or other
17 chemicals that appear on the material safety data sheets required under 29 Code of
18 Federal Regulations, Part 1910, Section 1200;

19 F. The amount of each ortho-phthalate or other chemical detected in each unit of the
20 food or beverage product; and

21 G. The intended purpose of each ortho-phthalate or other chemical subject to
22 reporting in the food or beverage product.

23 **3. Exempt manufacturers.** The following are exempt from all requirements in this
24 chapter:

25 A. A manufacturer or distributor of alcoholic beverages; and

26 B. A manufacturer or distributor with annual aggregate gross sales of food and
27 beverage products, including sales both within and outside the State, of less than
28 \$1,000,000,000, based on the most recently published industry sales data as of the
29 date of submittal of the written notice required by subsection 1.

30 **§2233. Departmental authority to further investigate food contamination**

31 After receiving initial written notice required by this chapter, the department may
32 require a manufacturer to disclose the presence of ortho-phthalates in materials used in
33 food or beverage production to determine additional sources of ortho-phthalate
34 contamination.

35 **§2234. Public access to information**

36 Every year, the department shall publish on its publicly accessible website, publish in
37 printed materials or otherwise make publicly available all information received from
38 manufacturers and distributors pursuant to this chapter.

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§2235. Fees

The department may assess a fee on the manufacturer or distributor upon receipt of the written notice under section 2232 to cover the department's costs of implementing this chapter.

§2236. Rulemaking

The department shall adopt rules to implement this chapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill requires manufacturers and distributors of food or beverage products to submit to the Department of Agriculture, Conservation and Forestry written notice if an ortho-phthalate or any other chemical the department determines poses a human health hazard is present in an amount greater than a de minimus level in the product's container or packaging or the food or beverage within the container or packaging. It requires the department to make information received from manufacturers and distributors available to the public. It authorizes the department to assess a fee on manufacturers and distributors.