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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 79

01/14/2021 Authored by Wazlawik; Hansen, R.; Franke; Fischer; Freiberg and others
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy
02/10/2021 Adoption of Report: Amended and re-referred to the Committee on Health Finance and Policy

1.1 A bill for an act
1.2 relating to environment; regulating use of certain chemicals in food packaging;
1.3 requiring rulemaking; appropriating money; proposing coding for new law in
1.4 Minnesota Statutes, chapter 325F.

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

1.6 Section 1. 325F.075] FOOD PACKAGING; PFAS.

1.7 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
1.8 the meanings given.

1.9 (b) "Food package" means a package or packaging component intended to market,
1.10 protect, or handle a product intended for food or beverage contact or used to store food or
1.11 a beverage for sale.

1.12 (c) "Package" means a container providing a means to market, protect, or handle a
1.13 product. Package includes:

1.14 (1) a unit package, an intermediate package, and a shipping container; and

1.15 (2) unsealed receptacles, including carrying cases, crates, cups, pails, rigid foil and other
1.16 trays, wrappers and wrapping films, bags, and tubs.

1.17 (d) "Packaging component" means an individual assembled part of a package, including
1.18 but not limited to any interior or exterior blocking, bracing, cushioning, weatherproofing,
1.19 exterior strapping, coatings, closures, inks, and labels.

1.20 (e) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of
1.21 fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

2.1 Subd. 2. **Prohibition.** No person shall manufacture, knowingly sell, offer for sale,
2.2 distribute for sale, or distribute for use in Minnesota a food package that contains intentionally
2.3 added PFAS.

2.4 Subd. 3. **Enforcement.** The commissioner of the Pollution Control Agency may enforce
2.5 this section under sections 115.071 and 116.072. The commissioner must coordinate with
2.6 the commissioners of commerce and health in enforcing this section.

2.7 **EFFECTIVE DATE.** This section is effective January 1, 2023.

2.8 Sec. 2. **HEALTH RISK LIMIT; PERFLUOROCTANE SULFONATE.**

2.9 By July 1, 2023, the commissioner of health must amend the health risk limit for
2.10 perfluorooctane sulfonate (PFOS) in Minnesota Rules, part 4717.7860, subpart 15, so that
2.11 the health risk limit does not exceed 0.015 parts per billion. In amending the health risk
2.12 limit for PFOS, the commissioner must comply with Minnesota Statutes, section 144.0751,
2.13 requiring a reasonable margin of safety to adequately protect the health of infants, children,
2.14 and adults.

2.15 Sec. 3. **HEALTH RISK LIMIT; APPROPRIATION.**

2.16 \$..... in fiscal year 2022 and \$..... in fiscal year 2023 are appropriated from the
2.17 environmental fund to the commissioner of the Pollution Control Agency for transfer to the
2.18 commissioner of health to amend the health risk limit for perfluorooctane sulfonate. This
2.19 is a onetime appropriation.