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H.777

Introduced by Representatives Burditt of West Rutland, Squirrell of Underhill,
Brumsted of Shelburne, Christie of Hartford, Dolan of
Waitsfield, Donovan of Burlington, Grad of Moretown, Hill of
Wolcott, LaLonde of South Burlington, Lefebvre of Newark,
McCullough of Williston, Ode of Burlington, Pajala of
Londonderry, Till of Jericho, and Townsend of South
Burlington

Referred to Committee on

Date:

Subject: Health; public health; perfluoroalkyl and polyfluoroalkyl substances;
food packaging

Statement of purpose of bill as introduced: This bill proposes to impose
restrictions on the manufacture, sale, and distribution of food packaging to
which perfluoroalkyl and polyfluoroalkyl substances, phthalates, or bisphenols
have been added.

An act relating to chemicals of concern in food packaging

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 18 V.S.A. chapter 32A is added to read:

3 CHAPTER 32A. CHEMICALS OF CONCERN IN FOOD PACKAGING

4 § 1661. DEFINITIONS

5 As used in this chapter:

6 (1) “Bisphenols” means industrial chemicals used primarily in the
7 manufacture of polycarbonate plastic and epoxy resins.

8 (2) “Department” means the Department of Health.

9 (3) “Food packaging” means a package that is designed for direct food
10 contact, including a food or beverage product that is contained in a food
11 package or to which a food package is applied, a packaging component of a
12 food package, and plastic disposable gloves used in commercial or institutional
13 food service.

14 (4) “Intentionally added” means the addition of a chemical in a product
15 that serves an intended function in the product component.

16 (5) “Package” means a container providing a means of marketing,
17 protecting, or handling a product and shall include a unit package, an
18 intermediate package, and a shipping container. “Package” also means
19 unsealed receptacles, such as carrying cases, crates, cups, pails, rigid foil and
20 other trays, wrappers and wrapping films, bags, and tubs.

1 (6) “Packaging component” means an individual assembled part of a
2 package, such as any interior or exterior blocking, bracing, cushioning,
3 weatherproofing, exterior strapping, coatings, closures, inks, and labels.

4 (7) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a
5 class of fluorinated organic chemicals containing at least one fully fluorinated
6 carbon atom.

7 (8) “Phthalates” means any member of the class of organic chemicals
8 that are esters of phthalic acid containing two carbon chains located in the
9 ortho position.

10 § 1662. FOOD PACKAGING

11 (a) A person shall not manufacture, sell, offer for sale, distribute for sale, or
12 distribute for use in this State a food package to which PFAS have been
13 intentionally added in any amount.

14 (b) A person shall not manufacture, sell, offer for sale, distribute for sale,
15 or distribute for use in this State a food package that includes inks, dyes,
16 pigments, adhesives, stabilizers, coatings, plasticizers, or any other additives to
17 which phthalates or bisphenols have been intentionally added in any amount
18 greater than an incidental presence.

19 § 1663. CERTIFICATE OF COMPLIANCE

20 A manufacturer subject to the prohibitions under this chapter shall develop
21 a certificate of compliance under this section. A certificate of compliance

1 attests that a manufacturer's product or products meet the requirements of this
2 chapter. If the Department requests such a certificate, the manufacturer shall
3 provide the certificate within 30 calendar days after the request is made.

4 § 1664. RULEMAKING

5 Pursuant to 3 V.S.A. chapter 25, the Commissioner of Health shall adopt
6 any rules necessary for the implementation, administration, and enforcement of
7 this chapter.

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on July 1, 2021.