

# SENATE BILL NO. 591

July 15, 2021, Introduced by Senators IRWIN, BRINKS, WOJNO, CHANG, BAYER and POLEHANKI and referred to the Committee on Environmental Quality.

A bill to amend 2000 PA 92, entitled  
"Food law,"  
(MCL 289.1101 to 289.8111) by adding section 5106.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 5106. (1) Beginning January 1, 2023, a person shall not  
2 knowingly manufacture, sell, offer for sale, distribute for sale,  
3 or distribute for use in this state food packaging to which PFAS,  
4 bisphenols, or phthalates have been intentionally added in any  
5 amount greater than an incidental presence.

1 (2) As used in this section:

2 (a) "Bisphenols" means industrial chemical compounds that are  
3 a component of hard plastics, such as polycarbonate, epoxy resins,  
4 and thermal receipt paper. Bisphenols include, but are not limited  
5 to, bisphenol A and its symmetrically aromatic ring-substituted  
6 derivatives, bisphenol AF, bisphenol AP, bisphenol B, bisphenol C,  
7 bisphenol C2, bisphenol E, bisphenol F, bisphenol G, bisphenol M,  
8 bisphenol S, bisphenol P, bisphenol PH, bisphenol TMC, and  
9 bisphenol Z. Bisphenols do not include an alkyl-substituted  
10 bisphenol compound generated through a xylenol-aldehyde process.

11 (b) "Food packaging" means a container or wrapper that  
12 provides a means of marketing, protecting, or handling a food and  
13 that is intended for direct food contact. Food packaging includes,  
14 but is not limited to, an unsealed receptacle, such as a carrying  
15 case, crate, cup, pail, rigid foil or other tray, wrapping film,  
16 bag, or tub. Food packaging includes the food that is contained in  
17 the food packaging, the food to which the food packaging is  
18 applied, and a plastic, disposable glove used in commercial or  
19 institutional food service.

20 (c) "Incidental presence" means the presence of a chemical as  
21 an unintended or undesired ingredient.

22 (d) "PFAS" means a chemical that contains a perfluoroalkyl or  
23 polyfluoroalkyl substance. For the purposes of food packaging, PFAS  
24 means a class of fluorinated organic chemicals containing at least  
25 1 fully fluorinated carbon atom.

26 (e) "Phthalates" means a member of the class of organic  
27 chemicals that are esters of phthalic acid containing 2 carbon  
28 chains located in the ortho position.