



# 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.

