

# SENATE BILL NO. 327

May 04, 2023, Introduced by Senators IRWIN, BAYER, GEISS, MCMORROW, SANTANA, CHANG, CAVANAGH and POLEHANKI and referred to the Committee on Energy and Environment.

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, 2025, a person shall not  
2 knowingly manufacture, sell, offer for sale, distribute for sale,  
3 or distribute for use in this state food packaging that has been  
4 treated with direct fluorination or to which PFAS, bisphenols, or  
5 phthalates have been intentionally added in any amount greater than

1 an incidental presence.

2 (2) As used in this section:

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

12 (b) "Direct fluorination" means the process by which certain  
13 food packaging is exposed to fluorine gas for the purposes of  
14 imparting chemical resistance and enhancing food storage and  
15 preservation.

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

25 (d) "Incidental presence" means the presence of a chemical as  
26 an unintended or undesired ingredient.

27 (e) "PFAS" means a chemical that contains a perfluoroalkyl or  
28 polyfluoroalkyl substance. For the purposes of food packaging, PFAS  
29 means a class of fluorinated organic chemicals containing at least

1 1 fully fluorinated carbon atom.

2 (f) "Phthalates" means a member of the class of organic  
3 chemicals that are esters of phthalic acid containing 2 carbon  
4 chains located in the ortho position.