

**SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION**

S.F. No. 1380

(SENATE AUTHORS: MCEWEN)

DATE
02/13/2025

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Introduction and first reading
Referred to Environment, Climate, and Legacy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to environment; prohibiting certain chemicals in packaging; proposing
1.3 coding for new law in Minnesota Statutes, chapter 116.

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

1.5 Section 1. **[116.941] TOXIC CHEMICALS IN PACKAGING; PROHIBITION.**

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

1.8 (b) "Halogenated flame retardant" means a chemical containing chlorine or bromine
1.9 that, when added to materials, inhibits, suppresses, or delays the production of flame when
1.10 the material is exposed to fire.

1.11 (c) "Manufacturer" means a person that manufactures a product or whose brand name
1.12 is affixed to the product. In the case of a product imported into the United States,
1.13 "manufacturer" means the person who is the importer of record for the product into the
1.14 United States for use in a commercial enterprise that sells, offers for sale, or distributes the
1.15 product in this state.

1.16 (d) "Nondetectable pigment" means a pigment that, when added to plastic packaging,
1.17 is not detectable by technologies used to recycle plastic by mechanical means.

1.18 (e) "Oxo-degradable and oxo-biodegradable additive" means a chemical added to plastics
1.19 to accelerate their breakdown into smaller pieces.

1.20 (f) "Packaging" has the meaning given in section 115A.03.

2.1 (g) "Prohibited packaging chemical" means any of the following chemicals when used
2.2 as a component of packaging:

2.3 (1) polyvinyl chloride;

2.4 (2) polyvinylidene chloride;

2.5 (3) polystyrene, including expanded polystyrene;

2.6 (4) polycarbonate;

2.7 (5) polyethylene terephthalate glycol;

2.8 (6) polyethylene terephthalate that is opaque or pigmented;

2.9 (7) antimony trioxide;

2.10 (8) melamine;

2.11 (9) ortho-phthalates;

2.12 (10) bisphenols;

2.13 (11) halogenated flame retardants;

2.14 (12) nondetectable pigments, including carbon black;

2.15 (13) oxo-degradable and oxo-biodegradable additives;

2.16 (14) UV 328 [2-(2H-benzotriazol-2-yl)-4,6-di-tert-pentylphenol];

2.17 (15) short- and medium-chain chlorinated paraffins;

2.18 (16) benzophenone or its derivatives;

2.19 (17) formaldehyde; or

2.20 (18) perchlorate.

2.21 Subd. 2. **Prohibition.** On or after January 1, 2028, a manufacturer may not offer for
2.22 sale, sell, or distribute in or into this state packaging that contains a prohibited packaging
2.23 chemical.

2.24 Subd. 3. **Additional prohibited packaging chemicals.** The commissioner of health
2.25 must review the list of prohibited packaging chemicals at least every three years and must
2.26 maintain a list of prohibited packaging chemicals on the Department of Health website. The
2.27 commissioner must consider and may designate as a prohibited packaging chemical a
2.28 chemical used in packaging that meets the conditions specified in section 116.9402, paragraph
2.29 (c) or (d), or that meets the definition of chemical of high concern in section 116.9401.

3.1 Subd. 4. **Packaging composition information.** A manufacturer must timely respond to
3.2 an inquiry from the commissioner of health regarding the chemical composition of any
3.3 packaging sold, offered for sale, imported, or distributed in or into this state. Information
3.4 supplied to the commissioner by a manufacturer under this subdivision that the commissioner
3.5 determines to be trade secret information, as defined in section 13.37, subdivision 1, is
3.6 classified as nonpublic data, as provided in section 13.37, subdivision 2, paragraph (a).

3.7 Subd. 5. **Penalty.** A manufacturer found to have violated this section must pay a penalty
3.8 of \$25,000 per violation.

3.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.