

REFERENCE TITLE: food packaging; prohibitions

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HB 2095

Introduced by
Representative Dalessandro

AN ACT

AMENDING TITLE 36, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING ARTICLE
2; RELATING TO FOOD CONTROL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 8, Arizona Revised Statutes, is
3 amended by adding article 2, to read:

4 ARTICLE 2. FOOD PACKAGING

5 36-931. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "FOOD PACKAGE":

8 (a) MEANS A PACKAGE THAT IS DESIGNED FOR DIRECT FOOD CONTACT.

9 (b) INCLUDES:

10 (i) A FOOD OR BEVERAGE PRODUCT THAT IS CONTAINED IN A FOOD PACKAGE
11 OR TO WHICH A FOOD PACKAGE IS APPLIED.

12 (ii) A PACKAGING COMPONENT OF A FOOD PACKAGE.

13 (iii) PLASTIC DISPOSABLE GLOVES USED IN COMMERCIAL OR INSTITUTIONAL
14 FOOD SERVICE.

15 2. "PACKAGE":

16 (a) MEANS A CONTAINER THAT PROVIDES A MEANS OF MARKETING,
17 PROTECTING OR HANDLING A PRODUCT.

18 (b) INCLUDES:

19 (i) A UNIT PACKAGE.

20 (ii) AN INTERMEDIATE PACKAGE.

21 (iii) A SHIPPING CONTAINER.

22 (iv) UNSEALED RECEPTACLES, SUCH AS CARRYING CASES, CRATES, CUPS,
23 PAILS, RIGID FOIL AND OTHER TRAYS, WRAPPERS AND WRAPPING FILMS, BAGS AND
24 TUBS.

25 3. "PACKAGING COMPONENT" MEANS AN INDIVIDUAL ASSEMBLED PART OF A
26 PACKAGE, INCLUDING ANY INTERIOR OR EXTERIOR BLOCKING, BRACING, CUSHIONING,
27 WEATHERPROOFING, EXTERIOR STRAPPING, COATING, CLOSURE, INK OR LABEL.

28 4. "PFAS" MEANS PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES, A
29 CLASS OF FLUORINATED ORGANIC CHEMICALS THAT CONTAIN AT LEAST ONE FULLY
30 FLUORINATED CARBON ATOM.

31 5. "PHTHALATES" MEANS ANY MEMBER OF THE CLASS OF ORGANIC CHEMICALS
32 THAT ARE ESTERS OF PHTHALIC ACID CONTAINING TWO CARBON CHAINS LOCATED IN
33 THE ORTHO POSITION.

34 36-932. Food packaging; prohibitions

35 BEGINNING JANUARY 1, 2024, A PERSON MAY NOT MANUFACTURE OR KNOWINGLY
36 SELL, OFFER FOR SALE, DISTRIBUTE FOR SALE OR DISTRIBUTE FOR USE IN THIS
37 STATE A FOOD PACKAGE:

38 1. TO WHICH PFAS HAVE BEEN INTENTIONALLY ADDED IN ANY AMOUNT.

39 2. THAT INCLUDES INKS, DYES, PIGMENTS, ADHESIVES, STABILIZERS,
40 COATINGS, PLASTICIZERS OR ANY OTHER ADDITIVES TO WHICH PHTHALATES HAVE
41 BEEN INTENTIONALLY INTRODUCED IN ANY AMOUNT GREATER THAN AN INCIDENTAL
42 PRESENCE.

1 36-933. Certificate of compliance

2 A MANUFACTURER THAT IS SUBJECT TO THIS ARTICLE SHALL DEVELOP A
3 CERTIFICATE OF COMPLIANCE ATTESTING THAT THE MANUFACTURER'S PRODUCT OR
4 PRODUCTS MEET THE REQUIREMENTS OF THIS ARTICLE AND THE RULES ADOPTED
5 PURSUANT TO THIS ARTICLE. THE MANUFACTURER SHALL PROVIDE THE CERTIFICATE
6 OF COMPLIANCE TO THE DEPARTMENT OF HEALTH SERVICES WITHIN THIRTY CALENDAR
7 DAYS AFTER THE DEPARTMENT'S REQUEST.

8 36-934. Rules

9 THE DEPARTMENT OF HEALTH SERVICES SHALL ADOPT RULES NECESSARY TO
10 IMPLEMENT, ADMINISTER AND ENFORCE THIS ARTICLE.