

Subject Ortho-phthalate testing of packaged food products

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Overview

This bill would require food manufacturers and brand owners to test, publish, and label their packaged food products for ortho-phthalates. Each section of this bill has an effective date of July 1, 2026.

Ortho-phthalates are used in food packaging or other minor food contact applications such as adhesives, lubricants, and sealants. The Food and Drug Administration currently allows ortho-phthalates to be used in manufacturing or other food contact applications, but it is not authorized to be directly added to food. Ortho-phthalates are considered to be toxic, with exposure linked to higher cancer rates and harm to reproductive health.

Summary

Section	Description
1	“Brand” definition. Defines “brand” for purposes of ortho-phthalate testing of packaged food products.
2	“Brand owner” definition. Defines “brand owner” for purposes of ortho-phthalate testing of packaged food products.
3	“Food manufacturer” definition. Defines “food manufacturer” for purposes of ortho-phthalate testing of packaged food products.
4	“Ortho-phthalates or phthalates” definition. Defines “ortho-phthalates” and “phthalates” for purposes of ortho-phthalate testing of packaged food products.

Section	Description
5	<p>“Packaged food product” definition.</p> <p>Defines “packaged food product” for purposes of ortho-phthalate testing of packaged food products.</p>
6	<p>“Universal product code” or “UPC” definition.</p> <p>Defines “universal product code” and “UPC” for purposes of ortho-phthalate testing of packaged food products.</p>
7	<p>“UPC barcode” definition.</p> <p>Defines “UPC barcode” for purposes of ortho-phthalate testing of packaged food products.</p>
8	<p>Ortho-phthalate testing of packaged food products.</p> <p>Subd. 1. Testing; notice to the commissioner. Requires food manufacturers and brand owners to test packaged food products for ortho-phthalate levels no later than 30 days before offering for sale or distributing the product. Requires food manufacturers and brand owners to submit written notice to the Minnesota Department of Agriculture (MDA) certain information, including the ortho-phthalate testing results, and laboratory information and methodology.</p> <p>Subd. 2. Laboratory accreditation. Specifies that food manufacturers and brand owners must use laboratories that are accredited by the International Organization for Standardization/International Electrotechnical Commission.</p> <p>Subd. 3. Testing frequency. Requires food manufacturers and brand owners to test and provide MDA notice under subdivision 1 every two years.</p> <p>Subd. 4. Publishing of testing results. Requires food manufacturers and brand owners to publish on a public website almost the same information (different contact information) submitted in the written notice in subdivision 1.</p> <p>Subd. 5. Labeling. Requires food manufacturers and brand owners to label packaged food products with a QR code linked to the testing results published in subdivision 4 and the statement “For information about ortho-phthalate testing of this product, scan the QR code.”</p> <p>Subd. 6. Enforcement. Allows MDA to enforce this section with its administrative enforcement authority under the Food Law chapter including detaining, condemning, or seizing the product, revoking or suspending licenses, and assessing administrative penalties.</p>

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