

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 188

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DATE	D-PG	OFFICIAL STATUS
01/16/2025	89	Introduction and first reading
02/13/2025	391	Referred to Agriculture, Veterans, Broadband, and Rural Development
03/20/2025	940	Authors added Fateh; Clark
		Author added Carlson

1.1A bill for an act

1.2relating to agriculture; requiring food manufacturers and brand owners to report

1.3ortho-phthalate testing results of packaged food products to the commissioner of

1.4agriculture; amending Minnesota Statutes 2024, section 34A.01, by adding

1.5subdivisions; proposing coding for new law in Minnesota Statutes, chapter 34A.

1.6BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7Section 1. Minnesota Statutes 2024, section 34A.01, is amended by adding a subdivision

1.8to read:

1.9Subd. 1a. **Brand.** "Brand" means a name, symbol, word, or mark that identifies a product

1.10and attributes the product to the product's brand owner.

1.11EFFECTIVE DATE. This section is effective July 1, 2026.

1.12Sec. 2. Minnesota Statutes 2024, section 34A.01, is amended by adding a subdivision to

1.13read:

1.14Subd. 1b. **Brand owner.** "Brand owner" means a person that owns or licenses a brand

1.15or that otherwise has rights to market a product under the brand, regardless of whether the

1.16brand's trademark is registered.

1.17EFFECTIVE DATE. This section is effective July 1, 2026.

1.18Sec. 3. Minnesota Statutes 2024, section 34A.01, is amended by adding a subdivision to

1.19read:

1.20Subd. 4a. **Food manufacturer.** "Food manufacturer" means a person who manufactures

1.21a packaged food product or whose brand name is affixed to a packaged food product. In the

2.1 case of a packaged food product imported into the United States, food manufacturer includes
2.2 the importer or first domestic distributor of the product if the person who manufactured or
2.3 assembled the product or whose brand name is affixed to the packaged food product does
2.4 not have a presence in the United States.

2.5 **EFFECTIVE DATE.** This section is effective July 1, 2026.

2.6 Sec. 4. Minnesota Statutes 2024, section 34A.01, is amended by adding a subdivision to
2.7 read:

2.8 Subd. 8a. **Ortho-phthalates or phthalates.** "Ortho-phthalates" or "phthalates" means
2.9 substances that are esters of phthalic acid.

2.10 **EFFECTIVE DATE.** This section is effective July 1, 2026.

2.11 Sec. 5. Minnesota Statutes 2024, section 34A.01, is amended by adding a subdivision to
2.12 read:

2.13 Subd. 8b. **Packaged food product.** "Packaged food product" means any food product
2.14 that is completely or partially enclosed in packaging materials. Packaged food product does
2.15 not include meat, deli cheese, bakery products, and produce that is made or packaged at a
2.16 retail location.

2.17 **EFFECTIVE DATE.** This section is effective July 1, 2026.

2.18 Sec. 6. Minnesota Statutes 2024, section 34A.01, is amended by adding a subdivision to
2.19 read:

2.20 Subd. 13. **Universal product code or UPC.** "Universal product code" or "UPC" means
2.21 a 12-digit number assigned to merchandise, including packaged food or packaged food
2.22 products.

2.23 **EFFECTIVE DATE.** This section is effective July 1, 2026.

2.24 Sec. 7. Minnesota Statutes 2024, section 34A.01, is amended by adding a subdivision to
2.25 read:

2.26 Subd. 14. **UPC barcode.** "UPC barcode" means the machine-readable version of a
2.27 universal product code.

2.28 **EFFECTIVE DATE.** This section is effective July 1, 2026.

3.1 Sec. 8. **[34A.025] ORTHO-PHTHALATE TESTING OF PACKAGED FOOD**
3.2 **PRODUCTS.**

3.3 Subdivision 1. Testing; notice to the commissioner. (a) No later than 30 days before
3.4 offering a packaged food product for sale in the state or distributing a packaged food product
3.5 in the state, a food manufacturer or brand owner must test the packaged food product for
3.6 levels of ortho-phthalates and must submit to the commissioner a written notice that includes:

3.7 (1) the name and a description of the packaged food product;

3.8 (2) the UPC barcode of the packaged food product and any UPC barcodes grouped under
3.9 the packaged food product tested if the packaged food product is packaged in multiple sizes;

3.10 (3) the date that the packaged food product was tested for ortho-phthalates;

3.11 (4) testing results indicating that no ortho-phthalates were detected in the packaged food
3.12 product or, if an ortho-phthalate was detected in the packaged food product, a description
3.13 of each ortho-phthalate that the packaged food product contains, including:

3.14 (i) the ortho-phthalate's chemical abstracts service registry number;

3.15 (ii) the ortho-phthalate's IUPAC name or chemical name;

3.16 (iii) the exact quantity of the ortho-phthalate that the packaged food product contains;

3.17 and

3.18 (iv) the quantity of ortho-phthalate in one serving size of the packaged food product.

3.19 (5) the testing laboratory's name, address, and telephone number and the name, title,
3.20 telephone number, and email address of the laboratory employee who certified the testing
3.21 results;

3.22 (6) a description of the testing laboratory's method of testing the packaged food product
3.23 for ortho-phthalates;

3.24 (7) the name and address of the food manufacturer or brand owner and the name, address,
3.25 and telephone number of a contact person for the food manufacturer or brand owner; and

3.26 (8) any other information required by the commissioner.

3.27 (b) A food manufacturer or brand owner that is selling or distributing a packaged food
3.28 product in the state on the effective date of this act has until to submit a notice according
3.29 to this subdivision.

3.30 Subd. 2. Laboratory accreditation. The laboratory that a food manufacturer or brand
3.31 owner uses for ortho-phthalate testing of packaged food products must be accredited

4.1 according to the standards of the International Organization for Standardization
4.2 (ISO)/International Electrotechnical Commission (IEC) 17025:2017 General Requirements
4.3 for the Competence of Testing and Calibration Laboratories (November 30, 2017).

4.4 Subd. 3. **Testing frequency.** A food manufacturer or brand owner that sells or distributes
4.5 a packaged food product in the state must test packaged food products for ortho-phthalate
4.6 levels every two years and submit a written notice to the commissioner of agriculture
4.7 according to subdivision 1.

4.8 Subd. 4. **Publishing of testing results.** A food manufacturer or brand owner that sells
4.9 or distributes a packaged food product in the state must make testing results of all packaged
4.10 food products publicly available by posting the results on the food manufacturer's or brand
4.11 owner's website. The website must be easily found by a consumer and must include:

4.12 (1) the name of the packaged food product;

4.13 (2) the UPC barcode of the packaged food product and any UPC barcodes grouped under
4.14 the packaged food product tested if the packaged food product is packaged in multiple sizes;

4.15 (3) the date that the packaged food product was tested for ortho-phthalates;

4.16 (4) testing results indicating that no ortho-phthalates were detected in the packaged food
4.17 product or, if an ortho-phthalate was detected in the packaged food product, a description
4.18 of each ortho-phthalate that the packaged food product contains, including:

4.19 (i) the ortho-phthalate's chemical abstracts service registry number;

4.20 (ii) the ortho-phthalate's IUPAC name or chemical name;

4.21 (iii) the exact quantity of the ortho-phthalate that the packaged food product contains;

4.22 and

4.23 (iv) the quantity of ortho-phthalate in one serving size of the packaged food product.

4.24 (5) the testing laboratory's name, address, and telephone number and the name, title,
4.25 telephone number, and email address of the laboratory employee who certified the testing
4.26 results;

4.27 (6) a description of the testing laboratory's method of testing the packaged food product
4.28 for ortho-phthalates;

4.29 (7) the name and address of the food manufacturer or brand owner and the name, address,
4.30 and telephone number of an employee of the food manufacturer or brand owner who answers
4.31 consumer questions about testing results; and

5.1 (8) any other information required by the commissioner.

5.2 Subd. 5. **Labeling.** A food manufacturer or brand owner that sells or distributes a
5.3 packaged food product in the state must include: (1) a QR code or other machine-readable
5.4 code that links to a page on the food manufacturer's or brand owner's website that contains
5.5 the packaged food product's testing results for ortho-phthalates; and (2) a statement that
5.6 reads, "For information about ortho-phthalate testing of this product, scan the QR code."

5.7 Subd. 6. **Enforcement.** If the commissioner of agriculture finds that a food manufacturer
5.8 or brand owner has violated this section, the commissioner must enforce this section by
5.9 taking administrative actions under section 34A.06 or imposing administrative penalties
5.10 under section 34A.07.

5.11 **EFFECTIVE DATE.** This section is effective July 1, 2026.