

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 973

Short Title: Ban PFAS in Food Packaging. (Public)

Sponsors: Representatives Autry, Harrison, Butler, and Cervania (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Appropriations, if favorable, Rules, Calendar, and Operations of the House

May 6, 2024

1 A BILL TO BE ENTITLED
2 AN ACT TO BAN INTENTIONALLY ADDED PFAS IN COVERED PRODUCTS,
3 INCLUDING FOOD PACKAGING, COMPOSTABLE CONTAINERS, AND
4 PACKAGING COMPONENTS, AND TO APPROPRIATE FUNDS TO THE
5 DEPARTMENT OF ENVIRONMENTAL QUALITY.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 21A of Chapter 143 of the General Statutes is amended by
8 adding a new Part to read:

9 "Part 8. Ban Manufacture, Use, and Distribution of Certain Toxic Chemicals.

10 "**§ 143-215.104LL. Prohibition on manufacture, use, and distribution of PFAS within the**
11 **State.**

12 (a) Definitions. – The following definitions apply in this Part:

13 (1) Compostable. – An item that reliably and entirely breaks down and becomes
14 part of usable compost no later than 180 days after proper disposal.
15 Compostable items may be made from organic materials such as bagasse,
16 sugarcane, bamboo, paper, hay, or certified compostable plastics that meet the
17 American Society for Testing and Materials (ASTM) standard specifications
18 for industrially compostable plastics D6400 and compostable plastic coatings
19 D6868. Permitted compostable plastics, often marketed as biodegradable,
20 must be clearly labeled with the applicable standard on the product.

21 (2) Covered product. – Any product subject to the requirements of this Part,
22 including food packaging.

23 (3) Food package or food packaging. – A package, compostable container, or
24 packaging component that is intended for direct food content.

25 (4) Intentionally added PFAS. – Any of the following:

26 a. PFAS added to a product or one of the product's components that have
27 a function or technical effect in the product, including the PFAS
28 components of products that constitute added chemicals or products
29 thereof.

30 b. PFAS used or produced during the manufacture or processing of a
31 product introduced into or onto the product, including any source of
32 PFAS that is reasonably known to be present, such as using processing
33 agents, mold release agents, or fluorination.

34 (5) Manufacturer. – The person who manufactures a product or whose brand
35 name is affixed to the product. If the product is imported into the United



1 States, the term "manufacturer" includes the importer or first domestic
2 distributor of the product, if the person that manufactured or assembled the
3 product or whose brand name is affixed to the product does not have a
4 principal place of business in the United States.

5 (6) PFAS. – Perfluoroalkyl and polyfluoroalkyl substances, a class of fluorinated
6 organic chemicals containing at least one fully fluorinated carbon atom.

7 (7) Product. – An item manufactured, assembled, packaged, or otherwise
8 prepared for sale to consumers, including its product components, sold or
9 distributed for personal, residential, commercial, or industrial use, including
10 for use in making other products. This does not include used products offered
11 for sale or resale.

12 (8) Product component. – An identifiable component of a product, regardless of
13 whether the manufacturer of the product is the manufacturer of the
14 component.

15 (9) Product label. – A display of written, printed, or graphic material that appears
16 on, or is affixed to, the exterior of a product, or its exterior container or
17 wrapper that is visible to a consumer, if the product has an exterior container
18 or wrapper.

19 (b) No person may knowingly manufacture, sell, or offer for sale any covered product
20 that contains intentionally added PFAS in this State. A manufacturer of a covered product shall
21 provide persons that offer the covered product for sale in this State with a certificate of
22 compliance stating, at a minimum, that the covered product is in compliance with the
23 requirements of this Part and does not contain any intentionally added PFAS. A certificate of
24 compliance provided under this subsection shall be signed by an authorized official or
25 representative of the manufacturer. The certificate of compliance may be provided to persons
26 through electronic means.

27 (c) This Part shall not apply to the sale or resale of used products."

28 **SECTION 2.(a)** There is appropriated from the General Fund to the Department of
29 Environmental Quality the sum of one hundred thousand dollars (\$100,000) in nonrecurring
30 funds for the 2024-2025 fiscal year to implement the provisions of this act.

31 **SECTION 2.(b)** This section becomes effective July 1, 2024.

32 **SECTION 3.** Except as otherwise provided, this act becomes effective October 1,
33 2024.