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AB-1148 Food packaging: hazardous chemicals. (2025-2026)

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AMENDED IN SENATE JUNE 17, 2025

AMENDED IN ASSEMBLY APRIL 23, 2025

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 1148

Introduced by Assembly Member Sharp-Collins

February 20, 2025

An act to add Article 3 (commencing with Section 109015) to Chapter 15 of Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1148, as amended, Sharp-Collins. Food packaging: hazardous chemicals.

Existing law prohibits a person from distributing, selling, or offering for sale in the state any plant-based food packaging that contains regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS, as defined.

This bill *would prohibit, on and after January 1, 2027, the manufacture, distribution, sale, or offering for sale in the state of food packaging that contains intentionally added bisphenols or ortho-phthalates, as defined. The bill would* ~~authorize require, subject to an appropriation,~~ the Department of Toxic Substances Control to adopt regulations to ~~restrict or prohibit the manufacture, distribution, sale, or offering for sale in the state of food packaging that contains intentionally added~~ *establish a threshold in food packaging for bisphenols or* ~~ortho-phthalates, ortho-phthalates that are not intentionally added,~~ as specified. *The bill would also prohibit, no sooner than a year after the adoption of those regulations, the manufacture, distribution, sale, or offering for sale in the state of food packaging that contains bisphenols or ortho-phthalates at or above that threshold.* The bill would authorize the department and the Attorney General to enforce ~~the restrictions or prohibition~~ *these prohibitions* and would subject a person to an administrative or civil penalty not to exceed \$5,000 for the first violation of ~~the restriction or a~~ prohibition and not to exceed \$10,000 for each subsequent violation, as specified. The bill would, upon appropriation by the Legislature, authorize funds in the Toxic Substances Control Account to be used by the department to implement these provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Article 3 (commencing with Section 109015) is added to Chapter 15 of Part 3 of Division 104 of the Health and Safety Code, to read:

Article 3. Safer Food Packing Act of 2025

109015. (a) This article shall be known, and may be cited, as the "Safer Food Packing Act of 2025."

(b) For purposes of this article, the following definitions apply:

(1) (A) Except as provided in subparagraph (B), "bisphenol" has the same meaning as provided in Section 108942.

(B) "Bisphenol" does not include tetramethyl bisphenol F (TMBPF, CAS 5384-21-4).

(2) "Food packaging" means a nondurable package, packaging component, or food service ware that is intended to contain, serve, store, handle, protect, or market food, foodstuffs, or beverages. "Food packaging" includes food or beverage containers, take-out food containers, unit product boxes, liners, wrappers, serving vessels, eating utensils, straws, food boxes, and disposable plates, bowls, or trays.

(3) "Intentionally added bisphenols or ortho-phthalates" means any bisphenol or ortho-phthalate that a manufacturer has added to a product and that has a functional or technical effect in the product, including if the bisphenol or ortho-phthalate is a component of an intentionally added chemical or is the intentional breakdown product of an added chemical that also have functional effect in the product.

(4) "Ortho-phthalates" has the same meaning as provided in Section 109051.

(c) (1) On and after January 1, 2027, a person shall not manufacture, distribute, sell, or offer for sale in the state any food packaging that contains intentionally added bisphenols or ~~ortho-phthalates at or above a limit determined by the department in regulation.~~ *ortho-phthalates.*

(2) (A) Subject to an appropriation by the Legislature for purposes of this subparagraph, the department shall establish in regulation a threshold for bisphenols and ortho-phthalates in food packaging that are not intentionally added.

(B) In addition to the prohibition in paragraph (1), no sooner than one year after the department's adoption of regulations pursuant to subparagraph (A), a person shall not manufacture, distribute, sell, or offer for sale in the state any food packaging that contains bisphenols or ortho-phthalates at or above the threshold that the department establishes pursuant to subparagraph (A).

(d) (1) The department may, by regulation, establish standards for use of bisphenols or ortho-phthalates in food packaging that are more protective of public health, sensitive populations, or the environment than the standards established pursuant to subdivision (c).

(2) If the department determines that tetramethyl bisphenol F (TMBPF, CAS 5384-21-4) poses a significant risk to human health, then the department may, by regulation, limit or prohibit the distribution, sale, or offering for sale in the state any food packaging that contains tetramethyl bisphenol F (TMBPF, CAS 5384-21-4).

(e) Notwithstanding subdivision (c), if the department adopts a regulatory response, as described in Section 25253, regarding the use of any form of bisphenol or ortho-phthalate, in a product that is prohibited by this section and the department has posted a notice on its internet website that it has adopted the regulatory response, then this section shall not apply to that product.

(f) Notwithstanding subdivisions (b) and (c) of Section 25257.1, this section shall not be construed to prohibit or restrict the authority of the department to prioritize or take action on a product containing any form of bisphenol or ortho-phthalate, in order to limit exposure to or reduce the level of hazard posed by any form of bisphenol or ortho-phthalate.

(g) (1) The department or the Attorney General may enforce this article.

(2) A person in violation of this article shall be liable for an administrative or civil penalty not to exceed five thousand dollars (\$5,000) for the first violation and not to exceed ten thousand dollars (\$10,000) for each subsequent violation.

(3) Penalties may be assessed for each violation or, for continuing violations, for each day that a violation continues.

(4) A prevailing party shall be entitled to an award of reasonable attorney's fees and costs.

(5) This subdivision does not impair or impede any other rights, causes of action, claims, or defenses available under any other law. The remedies provided in this subdivision are cumulative with any other remedies available under any other law.

(h) The department may adopt regulations to implement, enforce, interpret, or make specific this article.

(i) Upon appropriation by the Legislature, funds in the Toxic Substances Control Account, established pursuant to Section 25173.6, may be used by the department, to implement this article.