
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 1148 (Sharp-Collins) - Food packaging: hazardous chemicals

Version: July 2, 2026

Urgency: No

Hearing Date: August 3, 2026

Policy Vote: E.Q. 5 - 0, HEALTH 7 - 0

Mandate: No

Consultant: Ashley Ames

Bill Summary: This bill would prohibit the manufacture, distribution, sale, or offering for sale in the state any food packaging that contains intentionally added bisphenols or ortho-phthalates, and would, upon appropriation, require the Department of Toxic Substances Control (DTSC) to adopt regulations to establish a threshold for bisphenols and ortho-phthalates in food packaging that are not intentionally added, among other things.

Fiscal Impact:

- DTSC estimates ongoing costs of at least \$121,000 in 2027-28 and \$900,000 annually thereafter (Toxic Substances Control Account [TSCA]) to fully implement the provisions of this bill. Staff notes that portions of this bill would be contingent upon appropriation, and DTSC would be authorized--but not required--to implement other provisions. DTSC notes that, should the bill be fully implemented, the resources needed for implementation may result in an estimated increase to the Environmental Fee by less than 1 percent.
- Possible costs (General Fund, special funds) to the Department of Justice (DOJ) of an unknown amount. Actual costs would depend on whether the Attorney General pursues enforcement actions, and, if so, the level of additional staffing needed by DOJ to handle the related workload. DOJ anticipates any enforcement-related workload related to this bill to be absorbable within existing resources.

Background: Existing law prohibits toys and child care articles containing specified phthalates above 0.1% and juvenile feeding, sucking, or teething products containing any form of bisphenol above the practical quantitation limit — exempting medical devices and food and beverage containers intended for the general population — and, in both cases, requires manufacturers to substitute the least toxic alternative and bars replacement with certain carcinogens and reproductive toxicants (HSC §§108937–108941). Existing law also prohibits cosmetics containing specified phthalates, PFAS, and other chemicals (HSC §108980), prohibits food packaging containing regulated PFAS while requiring least-toxic substitution (HSC §109000), and, based on legislative findings regarding the dangers of DEHP and ortho-phthalates, prohibits intravenous solution containers made with intentionally added DEHP (HSC §109050 et seq.). Separately, existing law establishes the Safer Consumer Products, or green chemistry, program within DTSC, requiring the department to adopt regulations — supported by a multimedia life cycle evaluation — for identifying, prioritizing, and evaluating chemicals of concern in consumer products and their alternatives in order to limit exposure or reduce hazard, and to appoint a Green Ribbon Science Panel to advise on scientific, technical, and policy matters (HSC §25252 et seq., §25253); it further authorizes DTSC to issue formal requests to manufacturers for information on product ingredients and

use, with civil penalties for failure to respond within the specified period (HSC §25253.7).

Proposed Law: This bill would:

1. Prohibit the manufacture, distribution, sale, or offering for sale in California of food packaging containing intentionally added bisphenols or ortho-phthalates, exempting tetramethyl bisphenol F (TMBPF) and, until January 1, 2037, the non-food-contact exterior surface of rigid metal packaging such as cans, lids, and closures — a delayed compliance date that would defer reformulation costs for metal can manufacturers by roughly a decade.
2. Define "food packaging" broadly to cover nondurable packages, packaging components, and food service ware (containers, take-out packaging, liners, wrappers, utensils, straws, disposable plates and trays), while excluding durable food contact containers designed for repeated commercial use, subject to specified polycarbonate resin regulations, and not provided to the end customer; and define "intentionally added" to include intentional breakdown products with a functional or technical effect, but not intermediate materials lacking such an effect.
3. Require DTSC, upon appropriation by the Legislature, to adopt regulations establishing a threshold for non-intentionally added bisphenols and ortho-phthalates in food packaging — the bill's principal state cost driver, as rulemaking would be contingent on and limited by legislative funding.
4. Prohibit, no sooner than one year after those regulations are adopted, food packaging containing bisphenols or ortho-phthalates at or above the established threshold, creating a second, later wave of industry compliance costs.
5. Impose recordkeeping costs on manufacturers whose packaging contains non-intentionally added bisphenols or ortho-phthalates, requiring them to maintain and furnish to DTSC on request: chemical identity, concentration, and functional use; any existing information on use by children, pregnant women, or other sensitive populations; state (or national) sales data; and relevant federal premarket notification information for food contact substances, including toxicological and migration studies.
6. Limit that compliance burden by deeming a manufacturer compliant and free from liability if it maintains a written statement that it lacks access to the information and has unsuccessfully attempted to obtain it from suppliers, chemical manufacturers, or other entities, along with their contact information.
7. Authorize DTSC to adopt by regulation standards for bisphenols or ortho-phthalates in food packaging more protective than those in the bill, and to set a threshold for TMBPF or limit or prohibit TMBPF-containing food packaging — each an additional potential rulemaking cost.
8. Exempt products for which DTSC has adopted a green chemistry program regulatory response regarding bisphenols or ortho-phthalates, provided the

department posts notice on its website, while clarifying that DTSC would retain authority to prioritize or act on any product containing these chemicals.

9. Provide enforcement authority and penalty revenue, permitting DTSC or the Attorney General to assess administrative or civil penalties up to \$5,000 for a first violation and \$10,000 for subsequent violations, assessable for each day a violation continues.
10. Authorize implementing regulations and permit DTSC to use funds appropriated by the Legislature from the Toxic Substances Control Account to carry out the article — identifying the fund source but leaving actual expenditure subject to future appropriation.
11. Encourage voluntary disclosure of scientific studies on chemicals in commerce (chemical analyses, migration and toxicological studies, biological assays, and safety and risk assessments) to promote transparency and safer chemistries — a non-mandatory provision carrying no direct cost.

Related Legislation:

SB 1266 (Limón, Chapter 790, Statutes of 2024) prohibits the manufacture, sale, or distribution of any juvenile's feeding product or juvenile's sucking or teething product that contains any form of bisphenol, as defined, at a detectable level above the practical quantitation limit.

AB 2300 (Wilson, Chapter 562, Statutes of 2024) makes findings and declarations about the dangers of DEHP and ortho-phthalates and prohibits a person or entity from manufacturing, selling, or distributing any intravenous solution containers made with intentionally added DEHP.

AB 2244 (Ting of 2024) would have prohibited a receipt provided to a consumer by a business or created by a manufacturer from containing internationally added BPA, and one year later, any bisphenol.

AB 1347 (Ting of 2023) would have required a business to offer a consumer the option to receive or not receive a receipt and would prohibit a receipt from containing bisphenol.

AB 1200 (Ting, Chapter 503, Statutes of 2021) prohibits a person from distributing, selling, or offering for sale any food packaging that contains regulated PFAS. Requires manufacturers to use the least toxic alternative when replacing regulated PFAS in food packaging.

AB 2762 (Muratsuchi, Chapter 314, Statutes of 2020) prohibits a person or entity from manufacturing, selling, delivering, holding, or offering for sale any cosmetic product that contains specified phthalates and PFAS, among other specified chemicals.

AB 1319 (Butler, Chapter 467, Statutes of 2011) prohibits the manufacture, sale, or distribution any bottle or cup that contains BPA at a detectable level above 0.1 parts per billion if the bottle or cup is designed or intended to be filled with any liquid, food, or

beverage intended primarily for consumption by infants or children three years of age or younger.

AB 1108 (Ma, Chapter 672, Statutes of 2007) prohibits the manufacture, sale, or distribution of toys and childcare products that contain certain phthalates in concentrations exceeding 0.1%. Requires manufacturers to use the least toxic alternative when replacing phthalates in their products and prohibits manufacturers from replacing phthalates with certain carcinogens and reproductive toxicants.

Staff Comments: The Environmental Fee is an annual fee paid by California businesses and organizations that use, generate, store, or conduct activities related to, hazardous materials. "Hazardous material" is defined in Health and Safety Code section 25501 and in Title 22 of the California Code of Regulations section 66269.40(a)(3). The amount of the Environmental Fee is based on the number of employees employed in California by an organization.

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