



House of Representatives

General Assembly

File No. 812

January Session, 2009

Substitute House Bill No. 6572

House of Representatives, April 23, 2009

The Committee on General Law reported through REP. SHAPIRO of the 144th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING BANNING BISPHENOL-A IN CHILDREN'S PRODUCTS AND FOOD PRODUCTS AND PROHIBITING CERTAIN ALTERNATIVE SUBSTANCES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) As used in this
2 section, "prohibited alternative substance" means a substance:

3 (1) Listed as known or reasonably anticipated to be, a human
4 carcinogen in the most recent Report on Carcinogens by the United
5 States Department of Health and Human Services;

6 (2) That appears on the most recent National Institute for
7 Occupational Safety and Health Carcinogen List;

8 (3) Classified by the International Agency for Research on Cancer as
9 group 1, carcinogenic to humans, group 2A, probably carcinogenic to
10 humans or group 2B, possibly carcinogenic to humans; or

11 (4) Listed on the electronic database of the United States

12 Environmental Protection Agency in group A, carcinogenic to humans,
13 group B, likely to be carcinogenic to humans or group C, suggestive
14 evidence of carcinogenic potential.

15 (b) No manufacturer shall use a prohibited alternative substance to
16 manufacture a product that was made with bisphenol-A prior to the
17 prohibition against using bisphenol-A in such a product under sections
18 2, 3 and 4 of this act.

19 Sec. 2. (NEW) (*Effective October 1, 2011*) (a) For the purposes of this
20 section, "reusable food or beverage container" means a receptacle for
21 storing food or beverages, including, but not limited to, baby bottles,
22 spill-proof cups, sports bottles and thermoses, and excluding food or
23 beverage containers intended for disposal after initial use.

24 (b) On and after October 1, 2011, no person shall manufacture, sell,
25 offer for sale or distribute in this state any reusable food or beverage
26 container containing bisphenol-A.

27 (c) The provisions of this section may be enforced, within available
28 appropriations, by the Commissioner of Consumer Protection.

29 Sec. 3. (NEW) (*Effective October 1, 2011*) (a) For the purposes of this
30 section, (1) "infant formula" means a milk-based or soy-based powder,
31 concentrated liquid or ready-to-feed substitute for human breast milk,
32 that is intended for infant consumption and is commercially available,
33 and (2) "baby food" means a prepared solid food consisting of a soft
34 paste or an easily chewed food that is intended for consumption by
35 children two years of age or younger and is commercially available.

36 (b) Except as provided in subsection (c) of this section, on and after
37 October 1, 2011, no person shall manufacture, sell, offer for sale or
38 distribute in this state any infant formula or baby food that is stored in
39 a plastic container, jar or can that contains bisphenol-A.

40 (c) A person may sell or distribute his or her existing inventory of
41 infant formula or baby food containers, jars or cans containing
42 bisphenol-A as of October 1, 2011, until October 1, 2012, provided such

43 person can demonstrate that such containers, jars or cans were
44 purchased or acquired prior to October 1, 2011, in a quantity
45 comparable to the containers, jars or cans purchased or acquired
46 during the same period of the prior year.

47 (d) The provisions of this section may be enforced, within available
48 appropriations, by the Commissioner of Consumer Protection.

49 Sec. 4. (NEW) (*Effective October 1, 2011*) (a) On and after October 1,
50 2011, no person shall sell or offer for sale any food product that is
51 contained in a jar or can containing bisphenol-A unless such food
52 product contains a warning label affixed to such jar or can or a
53 warning statement printed on such jar or can stating "WARNING: This
54 container is made using bisphenol-A". Such warning label or statement
55 shall be placed or printed in a conspicuous location on such jar or can
56 in letters of not less than ten-point type and shall be legible and in a
57 conspicuous color contrast with other printing appearing on such jar
58 or can.

59 (b) The provisions of this section may be enforced, within available
60 appropriations, by the Commissioner of Consumer Protection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2011</i>	New section
Sec. 3	<i>October 1, 2011</i>	New section
Sec. 4	<i>October 1, 2011</i>	New section

GL *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Consumer Protection, Dept.	GF - Future Cost	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a potential cost to the Department of Consumer Protection (DCP) beginning in FY 12. Costs would be due to the potential need to inspect products in ensuring that they did not contain bisphenol-A beginning in October 2011. The bill does not require the DCP to carry out such inspections and therefore no additional funding would be required for the agency.

OLR Bill Analysis**sHB 6572*****AN ACT CONCERNING BANNING BISPHENOL-A IN CHILDREN'S PRODUCTS AND FOOD PRODUCTS AND PROHIBITING CERTAIN ALTERNATIVE SUBSTANCES.*****SUMMARY:**

The bill bans, starting October 1, 2011, the sale, manufacture, or distribution in the state of:

1. infant formula and baby food stored in containers made with bisphenol-A, and
2. reusable food and beverage containers made with bisphenol-A.

Also starting October 1, 2011, it bars anyone from selling or offering for sale any food product stored in a jar or can made with bisphenol-A unless the container is labeled accordingly. It prohibits manufacturers from substituting for bisphenol-A other substances that are or may be carcinogenic.

It authorizes the Department of Consumer Protection to enforce the ban and labeling requirements, within available appropriations.

EFFECTIVE DATE: October 1, 2011, except for the prohibition on using prohibited alternative substances in place of bisphenol-A, which takes effect October 1, 2009.

INFANT FORMULA AND BABY FOOD IN CONTAINERS MADE WITH BISPHENOL-A

The bill bans, starting October 1, 2011, anyone from manufacturing, selling, or offering for sale or distribution in Connecticut infant formula or baby food stored in a plastic container, can, or jar that contains bisphenol-A. It allows people who can prove they purchased

these containers before October 1, 2011, to sell their existing inventory until October 1, 2012, if they can show they purchased about the same number of containers before October 1, 2011 that they purchased in the same period the previous year.

The bill defines “infant formula” as a commercially available milk- or soy-based powder, concentrated liquid, or ready-to-feed substitute for human breast milk, intended for infant consumption. It defines “baby food” as a commercially available prepared solid food consisting of a soft paste or an easily chewed food intended for consumption by children age two or younger.

REUSABLE FOOD AND BEVERAGE CONTAINERS MADE WITH BISPHENOL-A

Under the bill, a reusable food or beverage container is a receptacle for storing food or beverages, including baby bottles, spill-proof cups, sports bottles, and thermoses, but excluding food and beverage containers intended for disposal after initial use.

LABELING FOOD PRODUCTS IN CONTAINERS MADE WITH BISPHENOL-A

The bill prohibits, starting October 1, 2011, anyone from selling or offering for sale any food product contained in a jar or can made with bisphenol-A unless he or she conspicuously labels the container: “WARNING: This container is made using bisphenol-A.” The warning label or statement must be placed or printed in a conspicuous location on the jar or can. The label must have lettering in at least 10-point type, must be legible, and must be in a conspicuous color that contrasts with other printing on the jar or can.

PROHIBITED ALTERNATIVE SUBSTANCES

The bill bans manufacturers from substituting certain substances for bisphenol-A in the manufacture of a product. Prohibited substances are those:

1. listed as known, or reasonably anticipated to be, a human carcinogen in the most recent U.S. Department of Health and

Human Services' Report on Carcinogens;

2. appearing on the most recent National Institute for Occupational Safety and Health carcinogen list;
3. classified by the International Agency for Research on Cancer as carcinogenic, probably carcinogenic, or possibly carcinogenic to humans; or
4. listed on the U.S. Environmental Protection Agency's electronic database as carcinogenic or likely to be carcinogenic to humans, or suggesting evidence of carcinogenic potential.

BACKGROUND

Bisphenol-A

Bisphenol-A is an industrial chemical used to make polycarbonate plastics found in such products as beverage containers, compact discs, protective food can linings, plastic dinnerware, and epoxy resins. It has been shown in laboratory animal studies to have reproductive and developmental toxicity.

Legislative History

On April 7, the House referred the bill (File 165) to the General Law Committee, which reported out a favorable substitute on April 14. Among other things, the committee (1) authorized DCP to enforce the bill, within available appropriations; (2) delayed various deadlines; (3) eliminated an October 1, 2014 ban on the sale or distribution of food products in containers made with bisphenol-A; (4) eliminated a provision allowing the limited sale or distribution of the existing inventory of reusable containers made with bisphenol-A; and (5) changed various effective dates.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 24 Nay 3 (03/06/2009)

General Law Committee

Joint Favorable Substitute

Yea 18 Nay 0 (04/14/2009)