



House of Representatives

File No. 886

General Assembly

January Session, 2009

(Reprint of File Nos. 165 and 812)

Substitute House Bill No. 6572
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 1, 2009

***AN ACT CONCERNING BANNING BISPHENOL-A IN CHILDREN'S
PRODUCTS AND FOOD PRODUCTS.***

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

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

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

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

11 Sec. 2. (NEW) (*Effective October 1, 2011*) (a) For the purposes of this
12 section, (1) "infant formula" means a milk-based or soy-based powder,
13 concentrated liquid or ready-to-feed substitute for human breast milk,

14 that is intended for infant consumption and is commercially available,
15 and (2) "baby food" means a prepared solid food consisting of a soft
16 paste or an easily chewed food that is intended for consumption by
17 children two years of age or younger and is commercially available.

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

22 (c) A person may sell or distribute his or her existing inventory of
23 infant formula or baby food containers, jars or cans containing
24 bisphenol-A as of October 1, 2011, until October 1, 2012, provided such
25 person can demonstrate that such containers, jars or cans were
26 purchased or acquired prior to October 1, 2011, in a quantity
27 comparable to the containers, jars or cans purchased or acquired
28 during the same period of the prior year.

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

31 Sec. 3. (NEW) (*Effective October 1, 2011*) (a) On and after October 1,
32 2011, no person shall sell or offer for sale any food product that is
33 contained in a jar or can containing bisphenol-A unless such food
34 product contains a warning label affixed to such jar or can or a
35 warning statement printed on such jar or can stating "WARNING: This
36 container is made using bisphenol-A". Such warning label or statement
37 shall be placed or printed in a conspicuous location on such jar or can
38 in letters of not less than ten-point type and shall be legible and in a
39 conspicuous color contrast with other printing appearing on such jar
40 or can.

41 (b) The provisions of this section may be enforced, within available
42 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, 2011</i>	New section
Sec. 2	<i>October 1, 2011</i>	New section
Sec. 3	<i>October 1, 2011</i>	New section

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.

House "A" (LCO 6358) was technical and/or has no fiscal impact.

OLR Bill Analysis**sHB 6572 (as amended by House "A")******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 authorizes the Department of Consumer Protection (DCP) to enforce the ban and labeling requirements, within available appropriations.

*House Amendment "A" eliminates a provision barring manufacturers from substituting for bisphenol-A other substances that are or may be carcinogenic in the manufacture of a product.

EFFECTIVE DATE: October 1, 2011

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 or distribute 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.

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 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)