



General Assembly

January Session, 2009

Raised Bill No. 6572

LCO No. 4110

04110_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

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. Subsection (e) of section 21a-335 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2009*):

4 (e) "Hazardous substance" means: (1) (A) Any substance or mixture
5 of substances which (i) is toxic, (ii) is corrosive, (iii) is an irritant, (iv) is
6 a strong sensitizer, (v) is flammable or combustible, or (vi) generates
7 pressure through decomposition, heat or other means, if such
8 substance or mixture of substances may cause substantial personal
9 injury or substantial illness during or as a proximate result of any
10 customary or reasonably foreseeable handling or use, including
11 reasonably foreseeable ingestion by children; (B) any substances which
12 the administrator by regulation finds meet the requirements of
13 subdivision (1) (A) of this subsection pursuant to the provisions of
14 subsections (b) and (c) of section 21a-336; (C) any substance classified
15 as a hazardous substance pursuant to federal regulations adopted

16 under the authority of the federal Hazardous Substances Act (15 USC
17 1261 et seq.); (D) any radioactive substance, if, with respect to such
18 substance as used in a particular class of article or as packaged, the
19 administrator determines by regulation that the substance is
20 sufficiently hazardous to require labeling in accordance with this
21 section and sections 21a-336 to 21a-346, inclusive, in order to protect
22 the public health; (E) any toy or other article (i) intended for use by
23 children which the administrator by regulation determines in
24 accordance with subsection (a) or (b) of section 21a-336 presents an
25 electrical, mechanical or thermal hazard, or (ii) on and after October 1,
26 2011, containing bisphenol-A that is marketed for use by children
27 under the age of three years; (2) "hazardous substance" shall not apply
28 to economic poisons subject to the federal Insecticide, Fungicide and
29 Rodenticide Act or chapter 441 nor to foods, drugs and cosmetics
30 subject to chapter 418, nor to substances intended for use as fuels when
31 stored in containers and used in the heating, cooking or refrigeration
32 system of a house, but such term shall apply to any article which is not
33 itself an economic poison within the meaning of the federal Insecticide,
34 Fungicide and Rodenticide Act or said chapter 441 but which is a
35 hazardous substance within the meaning of subdivision (1) of this
36 subsection by reason of bearing or containing such an economic
37 poison; (3) "hazardous substance" shall not include any source
38 material, special nuclear material or by-product material as defined in
39 the Atomic Energy Act of 1954, as amended, and regulations issued
40 pursuant thereto by the Atomic Energy Commission.

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

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

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

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

51 (4) Listed on the electronic database of the United States
52 Environmental Protection Agency in group A, carcinogenic to humans,
53 group B, likely to be carcinogenic to humans, or group C, suggestive
54 evidence of carcinogenic potential.

55 (b) No manufacturer shall use a prohibited alternative substance to
56 manufacture a product that was made with bisphenol-A prior to the
57 prohibition against using bisphenol-A in such a product under
58 subdivision (1) of subsection (e) of section 21a-335 of the general
59 statutes, as amended by this act, and sections 3 and 4 of this act.

60 Sec. 3. (NEW) (*Effective October 1, 2009*) (a) For the purposes of this
61 section, "reusable food or beverage container" means a receptacle for
62 storing food or beverages, including, but not limited to, baby bottles,
63 spill-proof cups, sports bottles and thermoses, and excluding food or
64 beverage containers intended for disposal after initial use, and "safe
65 alternative" means a substance that is not a prohibited alternative
66 substance, as defined in section 2 of this act.

67 (b) Except as provided in subsection (c) of this section, on and after
68 October 1, 2010, no person shall manufacture, sell, offer for sale or
69 distribute in this state any reusable food or beverage container
70 containing bisphenol-A if a safe alternative to bisphenol-A is available
71 for fabricating such food or beverage container, as determined by the
72 Commissioner of Consumer Protection.

73 (c) A person may sell his or her existing inventory of food or
74 beverage containers containing bisphenol-A as of October 1, 2010, until
75 March 1, 2011, provided such person can demonstrate that such
76 containers were purchased prior to October 1, 2010, in a quantity
77 comparable to the containers purchased during the same period of the
78 preceding year.

79 Sec. 4. (NEW) (*Effective October 1, 2009*) (a) For the purpose of this
80 section, (1) "infant formula" means a milk-based or soy-based powder,
81 concentrated liquid or ready-to-feed substitute for human breast milk,
82 that is intended for infant consumption and is commercially available,
83 and (2) "baby food" means a prepared solid food consisting of a soft
84 paste or an easily chewed food that is intended for consumption by
85 children aged two years or younger and is commercially available.

86 (b) Except as provided in subsection (c) of this section, on and after
87 October 1, 2010, no person shall manufacture, sell, offer for sale or
88 distribute in this state any infant formula or baby food that is stored in
89 a plastic container, jar or can that contains bisphenol-A.

90 (c) A person may sell or distribute his or her existing inventory of
91 infant formula or baby food containers, jar or cans containing
92 bisphenol-A as of October 1, 2010, until March 1, 2011, provided such
93 person can demonstrate that such containers, jars or cans were
94 purchased or acquired prior to October 1, 2010, in a quantity
95 comparable to the containers, jars or cans purchased or acquired
96 during the same period of the prior year.

97 Sec. 5. (NEW) (*Effective October 1, 2009*) (a) On and after October 1,
98 2010, the manufacturer of a food product that is contained in a jar or
99 can containing bisphenol-A shall label such jar or can with a
100 conspicuous label stating "WARNING: This container is made with
101 bisphenol-A". On and after said date, no person shall sell or offer for
102 sale any such food product in the state without such warning label
103 affixed to the jar or can.

104 (b) On and after October 1, 2012, no person shall manufacture, sell,
105 offer for sale or distribute in this state any food product that is
106 contained in a jar, can or other container containing bisphenol-A.

107 Sec. 6. (NEW) (*Effective October 1, 2009*) On and after October 1, 2010,
108 the manufacturer of a toy that is classified as a hazardous substance
109 pursuant to subparagraph (E)(ii) of subdivision (1) of subsection (e) of

110 section 21a-335 of the general statutes, as amended by this act, shall
111 label such toy with a conspicuous label stating "WARNING: This toy
112 contains bisphenol-A". No person shall sell or offer for sale any such
113 toy in the state without such warning label affixed to the toy.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	21a-335(e)
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	New section
Sec. 4	<i>October 1, 2009</i>	New section
Sec. 5	<i>October 1, 2009</i>	New section
Sec. 6	<i>October 1, 2009</i>	New section

Statement of Purpose:

To ban any children's products containing bisphenol-A marketed for the use of children under the age of three years, to prohibit the replacement of the use of bisphenol-A with certain carcinogenic substances, to ban any reusable food containers or jars or cans containing food or beverage products that contain bisphenol-A, and to require the labeling of certain products containing bisphenol-A.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]