



General Assembly

**Substitute Bill No. 6572**

January Session, 2009

\*          HB06572ENV          031109          \*

**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, 2009*) (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) Except as provided in subsection (c) of this section, on and after  
25 October 1, 2010, no person shall manufacture, sell, offer for sale or  
26 distribute in this state any reusable food or beverage container  
27 containing bisphenol-A.

28 (c) A person may sell his or her existing inventory of reusable food  
29 or beverage containers containing bisphenol-A as of October 1, 2010,  
30 until March 1, 2011, provided such person can demonstrate that such  
31 containers were purchased prior to October 1, 2010, in a quantity  
32 comparable to the containers purchased during the same period of the  
33 preceding year.

34 Sec. 3. (NEW) (*Effective October 1, 2009*) (a) For the purpose of this  
35 section, (1) "infant formula" means a milk-based or soy-based powder,  
36 concentrated liquid or ready-to-feed substitute for human breast milk,  
37 that is intended for infant consumption and is commercially available,  
38 and (2) "baby food" means a prepared solid food consisting of a soft  
39 paste or an easily chewed food that is intended for consumption by  
40 children aged two years or younger and is commercially available.

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

45 (c) A person may sell or distribute his or her existing inventory of  
46 infant formula or baby food containers, jar or cans containing  
47 bisphenol-A as of January 1, 2010, until January 1, 2011, provided such

48 person can demonstrate that such containers, jars or cans were  
49 purchased or acquired prior to January 1, 2010, in a quantity  
50 comparable to the containers, jars or cans purchased or acquired  
51 during the same period of the prior year.

52 Sec. 4. (NEW) (*Effective October 1, 2009*) (a) On and after October 1,  
53 2011, the manufacturer of a food product that is contained in a jar or  
54 can containing bisphenol-A shall label such jar or can with a  
55 conspicuous label stating "WARNING: This container is made using  
56 bisphenol-A". On and after said date, no person shall sell or offer for  
57 sale any such food product in the state without such warning label  
58 affixed to the jar or can.

59 (b) On and after October 1, 2014, no person shall manufacture, sell,  
60 offer for sale or distribute in this state any food product that is  
61 contained in a jar, can or other container containing bisphenol-A.

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, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	New section
Sec. 4	<i>October 1, 2009</i>	New section

**Statement of Legislative Commissioners:**

The definition of "safe alternative" was deleted to conform to the amendment which removed any references to the defined term.

**ENV**      *Joint Favorable Subst.*