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:

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

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

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

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

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

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

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

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

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

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

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

(c) A person may sell or distribute his or her existing inventory of infant formula or baby food containers, jars or cans containing bisphenol-A as of October 1, 2011, until October 1, 2012, provided such person can demonstrate that such containers, jars or cans were purchased or acquired prior to October 1, 2011, in a quantity comparable to the containers, jars or cans purchased or acquired during the same period of the prior year.
(d) The provisions of this section may be enforced, within available appropriations, by the Commissioner of Consumer Protection.

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

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

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