



General Assembly

Substitute Bill No. 6572

January Session, 2009

* HB06572GL 041409 *

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.*