



Senate

General Assembly

File No. 48

January Session, 2011

Substitute Senate Bill No. 915

Senate, March 9, 2011

The Committee on Higher Education and Employment Advancement reported through SEN. BYE of the 5th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE CHEMICAL INNOVATIONS INSTITUTE AT THE UNIVERSITY OF CONNECTICUT AND THE PROHIBITION ON BISPHENOL-A IN INFANT FORMULA AND BABY FOOD CONTAINERS, JARS AND CANS.

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

1 Section 1. (*Effective from passage*) The Department of Higher
2 Education shall study (1) issues concerning the Chemical Innovations
3 Institute within The University of Connecticut Health Center and its
4 role in making recommendations regarding chemical and toxin-related
5 policies, and (2) the funding of other research institutes within
6 institutions of higher education in the United States. Not later than
7 January 1, 2012, the Commissioner of Higher Education shall report on
8 such study to the joint standing committees of the General Assembly
9 having cognizance of matters relating to higher education and
10 environment in accordance with the provisions of section 11-4a of the
11 general statutes.

12 Sec. 2. Subsection (b) of section 22a-903 of the general statutes is
13 repealed and the following is substituted in lieu thereof (*Effective from*
14 *passage*):

15 (b) The institute shall be overseen by a board of directors. The board
16 of directors shall consist of (1) a member appointed by The University
17 of Connecticut Health Center who shall be an ex-officio member of the
18 board and shall serve as the executive director of the institute, [and] (2)
19 the Commissioners of Public Health, Environmental Protection and
20 Consumer Protection who shall be ex-officio members of the board,
21 and (3) seven members appointed as follows: (A) One by the
22 Governor, who represents a large Connecticut manufacturer that
23 participates in an international marketplace and that has successfully
24 implemented or is in the process of implementing green chemistry into
25 its manufacturing process; (B) one by the president pro tempore of the
26 Senate, who represents a small Connecticut manufacturer; (C) one by
27 the speaker of the House of Representatives, who represents a state-
28 wide occupational health and safety organization or union health and
29 safety committee; (D) one by the majority leader of the Senate, who has
30 expertise working with businesses to implement sustainable business
31 practices; (E) one by the majority leader of the House of
32 Representatives, who represents a state-wide environmental health
33 nonprofit organization; (F) one by the minority leader of the Senate,
34 who is a health professional or scientist with expertise regarding the
35 health effects of prenatal exposure to chemicals of concern or
36 occupational environmental health; and (G) one by the minority leader
37 of the House of Representatives, who has green chemistry training and
38 expertise.

39 Sec. 3. Section 21a-12c of the general statutes is repealed and the
40 following is substituted in lieu thereof (*Effective October 1, 2011*):

41 (a) For the purposes of this section, (1) "infant formula" means a
42 milk-based or soy-based powder, concentrated liquid or ready-to-feed
43 substitute for human breast milk, that is intended for infant
44 consumption and is commercially available, and (2) "baby food" means

45 a prepared solid food consisting of a soft paste or an easily chewed
 46 food that is intended for consumption by children two years of age or
 47 younger and is commercially available.

48 (b) Except as provided in subsection (c) of this section, on and after
 49 October 1, [2011] 2012, no person shall manufacture, sell, offer for sale
 50 or distribute in this state any infant formula or baby food that is stored
 51 in a plastic container, jar or can that contains bisphenol-A in any
 52 portion of such container, jar or can that comes into contact with such
 53 formula or food. Infant formula and baby food is considered to be free
 54 of bisphenol-A when, using the analytical methodology published by
 55 the World Health Organization and Health Canada, bisphenol-A is not
 56 quantifiable.

57 (c) A person may sell or distribute his or her existing inventory of
 58 infant formula or baby food containers, jars or cans containing
 59 bisphenol-A as of October 1, [2011] 2012, until October 1, [2012] 2013,
 60 or until such time as the federal Food and Drug Administration
 61 approves an acceptable alternative or alternatives to bisphenol-A for
 62 use in such containers, jars or cans, whichever is earlier, provided such
 63 person can demonstrate that such containers, jars or cans were
 64 purchased or acquired prior to October 1, [2011] 2012, in a quantity
 65 comparable to the containers, jars or cans purchased or acquired
 66 during the same period of the prior year.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	22a-903(b)
Sec. 3	<i>October 1, 2011</i>	21a-12c

Statement of Legislative Commissioners:

In section 1, subdivision designators were inserted for clarity.

HED *Joint Favorable Subst.*

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 12 \$	FY 13 \$
Higher Ed., Dept.	GF - Cost	\$100-\$10,000	None

Note: GF=General Fund

Municipal Impact: None

Explanation

Section 1 of the bill may result in a cost ranging from \$100 to \$10,000, as it requires the Department of Higher Education (DHE) to (1) study issues concerning the Chemical Innovations Institute within the University of Connecticut Health Center and its role in making recommendations regarding chemical and toxin-related policies, and (2) funding of other research institutes at other institutions of higher education. DHE does not currently have staff with expertise in this area and would require assistance from a consultant to determine the role that the Chemical Innovations Institute should play in making recommendations regarding chemical and toxin-related policies. It is estimated that a consultant would cost approximately \$100 per hour. Based on the number of hours required to complete the study, the cost could range from \$100 to \$10,000.

Section 2 of the bill delays the prohibitions concerning bisphenol-A (BPA), which impacts private manufacturers and has no fiscal impact on the Department of Consumer Protection.

The Out Years

None.

OLR Bill Analysis**sSB 915*****AN ACT CONCERNING THE CHEMICAL INNOVATIONS INSTITUTE AT THE UNIVERSITY OF CONNECTICUT AND THE PROHIBITION ON BISPHENOL-A IN INFANT FORMULA AND BABY FOOD CONTAINERS, JARS AND CANS.*****SUMMARY:**

This bill delays, from October 1, 2011 through October 1, 2012, the ban in current law on manufacturing, selling, offering for sale, or distributing infant formula or baby food stored in plastic containers, jars, or cans that contain bisphenol-A (BPA). It allows people who can prove they purchased these containers before October 1, 2012 to sell or distribute their existing inventory until the earlier of (1) October 1, 2013 or (2) the Food and Drug Administration approving an acceptable alternative to BPA for use in such containers, jars, or cans. The quantity purchased or acquired before October 1, 2012 must be comparable to the containers, jars, or cans purchased or acquired during the same period of the prior year.

The bill also limits the ban to only containers, jars, and cans with BPA that comes into contact with infant formula or baby food. It specifies that infant formula and baby food are considered to be free of BPA if the level of BPA is not quantifiable when measured by an analytical methodology published by the World Health Organization and Health Canada.

Additionally, the bill makes the commissioners of public health, environmental protection, and consumer protection ex-officio members of the UConn Health Center's (UCHC) Chemical Innovations Institute's board of directors. It requires the Department of Higher Education (DHE) to study (1) the institute's role in making recommendations regarding chemical and toxin-related policies and

(2) how research institutes within U.S. colleges and universities are funded. DHE must submit a report on the study by January 1, 2012 to the Higher Education and Environment committees.

EFFECTIVE DATE: October 1, 2011, except the sections concerning the Chemical Innovations Institute are effective upon passage.

BACKGROUND

Bisphenol-A

BPA is an industrial chemical used to make hard, clear plastic known as polycarbonate, which is used in many consumer products, including reusable baby bottles and on the inside of metal-based food and beverage cans.. Animal studies have found it to have reproductive and developmental toxicity.

Chemical Innovations Institute

The Chemical Innovations Institute must (1) foster green job growth and safer workplaces through clean technology and green chemistry and (2) assist businesses, state agencies, and nonprofit organizations seeking to use alternatives to harmful chemicals.

The institute and UCHC must seek administrative funding from federal entities. Both may seek funding from nongovernmental foundations, including health access foundations, private citizens, corporations, and governmental entities.

UCHC must develop, implement, and promote the institute unless there is, in the aggregate, insufficient federal, state, and private funding to pay for the initial and continuing expenses of the institute.

COMMITTEE ACTION

Higher Education and Employment Advancement Committee

Joint Favorable Substitute

Yea 18 Nay 0 (03/03/2011)