



House of Representatives

General Assembly

File No. 306

February Session, 2012

Substitute House Bill No. 5116

House of Representatives, April 10, 2012

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT REQUIRING THE LABELING OF FOOD PACKAGING THAT CONTAINS BISPHENOL-A.

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

1 Section 1. (NEW) (*Effective from passage*) (a) Notwithstanding
2 sections 21a-12b, 21a-12c and 21a-12e of the general statutes, on and
3 after January 1, 2013, no person shall distribute, sell, offer for sale or
4 expose for sale any food packaging that contains bisphenol-A as an
5 intentionally added component of such packaging, unless such food
6 packaging bears a label on the front of such package that in clear,
7 legible style of not less than twelve-point boldface type of uniform font
8 states: "THIS PACKAGE CONTAINS BISPHENOL-A". For the
9 purpose of this section, "food packaging" means a container or
10 wrapper which comes into direct contact with food and is used to store
11 food or foodstuffs for sale.

12 (b) The provisions of this section may be enforced, within available
13 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

ENV *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 13 \$	FY 14 \$
Consumer Protection, Dept.	GF - Cost	\$150 to \$200 per test	\$150 to \$200 per test

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a cost to the Department of Consumer Protection (DCP) beginning in FY 13. The bill specifies that DCP implement the provisions of the bill within available appropriations/resources. However, if the bill were to be implemented the estimated cost of testing for bisphenol-A ranges from \$150 to \$200 per test. The annual cost to DCP is dependent upon the number of products that DCP tests which will be determined by the number of consumer complaints.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the number of products tested.

OLR Bill Analysis**sHB 5116*****AN ACT REQUIRING THE LABELING OF FOOD PACKAGING THAT CONTAINS BISPHENOL-A.*****SUMMARY:**

Beginning January 1, 2013, this bill prohibits any person from distributing, selling, or offering or exposing for sale any food packaging containing bisphenol-A as an intentionally added component unless such packaging has a label on its front stating: "THIS PACKAGE CONTAINS BISPHENOL-A". The statement must be in a clear, legible style of at least 12-point boldface type and uniform font.

Under the bill, "food packaging" is a container or wrapper that (1) comes into direct contact with food and (2) is used to store food or foodstuffs for sale.

The bill allows the consumer protection commissioner to enforce the restriction, within available appropriations.

Current law, unaffected by the bill, prohibits after certain dates the manufacture, sale, offer for sale, or distribution in the state of certain products containing bisphenol-A, including (1) reusable food or beverage containers; (2) plastic containers, jars, or cans storing infant formula or baby food; and (3) thermal or cash register receipt paper.

EFFECTIVE DATE: Upon passage

BACKGROUND***Bisphenol-A***

Bisphenol-A is an industrial chemical used to make certain plastics and resins, such as polycarbonate plastics and epoxy resins.

Polycarbonate plastics are often used in food and beverage containers, such as water and baby bottles. Epoxy resins can be used to coat the inside of metal products, such as food and baby formula cans, bottle tops, and water supply lines. BPA has been shown in laboratory animal studies to have reproductive and developmental toxicity.

Federal Regulatory Authority

In general, the U.S. Food and Drug Administration and the U.S. Department of Agriculture regulate labeling requirements of certain foods through the federal Food, Drug, and Cosmetic Act (21 USC § 301 et seq.), the Poultry Products Inspection Act (21 USC § 451 et seq.), and the Meat Inspection Act (21 USC § 601 et seq.). These acts generally prohibit states from requiring that such foods be labeled in a manner inconsistent with federal labeling requirements.

Related Bill

sHB 5117, favorably reported by the Environment Committee, requires that certain food items that are genetically-engineered or are partially produced with genetic engineering be labeled accordingly, among other things.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 20 Nay 9 (03/21/2012)