

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2478 Session of  
2010

INTRODUCED BY CURRY, APRIL 29, 2010

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES, APRIL 29,  
2010

AN ACT

1 Providing for bisphenol A-free baby and toddler products.

2 The General Assembly of the Commonwealth of Pennsylvania  
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Bisphenol A-  
6 free Baby and Toddler Products Act.

7 Section 2. Bisphenol A-free baby and toddler products.

8 (a) General rule.--No person or entity may manufacture, sell  
9 or distribute any bottle, cup or other container that contains  
10 bisphenol A at a level above 0.1 parts per billion (ppb) if the  
11 container is designed or intended to be filled with any liquid,  
12 food or beverage primarily for consumption from that container  
13 by infants or children three years of age or younger.

14 (b) Exceptions.--The provisions of subsection (a) shall not  
15 apply:

16 (1) To food and beverage containers designed or intended  
17 primarily to contain liquid, food or beverages for

consumption by the general population.

(2) To any liquid, food or beverage in a can or jar that contains bisphenol A.

(c) Alternatives.--

(1) Manufacturers shall use the least toxic alternative when replacing bisphenol A in containers in accordance with this section.

(2) Manufacturers shall not replace bisphenol A pursuant to this section with carcinogens rated by the United States Environmental Protection Agency as A, B or C carcinogens or substances listed as known or likely carcinogens, known to be human carcinogens, likely to be human carcinogens or suggestive of being human carcinogens, as described in the "List of Chemicals Evaluated for Carcinogenic Potential."

(3) Manufacturers shall not replace bisphenol A pursuant to this section with reproductive toxicants that cause birth defects, reproductive harm or developmental harm, as identified by the United States Environmental Protection Agency.

### Section 3. Violation of Unfair Trade Practices and Consumer Protection Law.

A violation of section 2 constitutes unfair methods of competition and unfair or deceptive acts or practices within the meaning of section 2(4) of the act of December 17, 1968

(P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, and shall be subject to the enforcement provisions, civil penalties and private rights of action contained in that act.

### Section 4. Effective date.

This act shall take effect in 60 days.