

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 221 Session of 2009

INTRODUCED BY CURRY, BELFANTI, BEYER, BRENNAN, CALTAGIRONE,
COHEN, CREIGHTON, CRUZ, FRANKEL, GOODMAN, JOSEPHS, KORTZ,
MAHONEY, MANN, McILVAINE SMITH, MELIO, MUNDY, M. O'BRIEN,
PETRARCA, PRESTON, RAPP, SIPTROTH, STURLA, SWANGER, THOMAS,
WALKO, WANSACZ AND YOUNGBLOOD, FEBRUARY 3, 2009

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, FEBRUARY 3, 2009

AN ACT

1 Amending the act of December 17, 1968 (P.L.1224, No.387),
2 entitled "An act prohibiting unfair methods of competition
3 and unfair or deceptive acts or practices in the conduct of
4 any trade or commerce, giving the Attorney General and
5 District Attorneys certain powers and duties and providing
6 penalties," providing for toxin-free toddler and baby
7 products.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The act of December 17, 1968 (P.L.1224, No.387),
11 known as the Unfair Trade Practices and Consumer Protection Law,
12 reenacted and amended November 24, 1976 (P.L.1166, No.260), is
13 amended by adding a section to read:

14 Section 9.4. Toxin-Free Toddler and Baby Products.--(a) (1)
15 No person or entity shall manufacture, sell or distribute any
16 toy or child-care article that contains di(2-ethylhexyl)
17 phthalate (DEHP), dibutyl phthalate (DBP) or benzyl butyl
18 phthalate (BBP) in concentrations exceeding 0.1 per cent.

19 (2) No person or entity shall manufacture, sell or

distribute any toy or child-care article intended for use by a child under three years of age if that product can be placed in the child's mouth and contains diisononyl phthalate (DINP), diisodecyl phthalate (DIDP) or di-n-octyl phthalate (DnOp) in concentrations exceeding 0.1 per cent.

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

(4) The provisions in clause (3) shall not apply to food and beverage containers designed or intended primarily to contain liquid, food or beverages for consumption by the general population.

(5) The provisions in clause (3) shall not apply to any liquid, food or beverage in a can or jar that contains bisphenol A.

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

(2) Manufacturers shall not replace bisphenol A and phthalates pursuant to this chapter 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 and phthalates pursuant to this chapter with reproductive toxicants

1 that cause birth defects, reproductive harm or developmental
2 harm, as identified by the United States Environmental
3 Protection Agency.

4 Section 2. This act shall take effect in 60 days.