

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, YOUNGBLOOD, GROVE, PASHINSKI AND BARBIN,
FEBRUARY 3, 2009

AS AMENDED, COMMITTEE ON CONSUMER AFFAIRS, HOUSE OF
REPRESENTATIVES, MAY 3, 2010

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 PROHIBITING THE MANUFACTURE, SALE AND DISTRIBUTION OF CERTAIN ←
9 TOYS AND CHILD-CARE ARTICLES THAT CONTAIN CERTAIN CHEMICALS; ←
10 AND PROVIDING FOR ENFORCEMENT.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

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

17 ~~Section 9.4. Toxin Free Toddler and Baby Products. (a) (1)~~
18 ~~No person or entity shall manufacture, sell or distribute any~~
19 ~~toy or child care article that contains di(2-ethylhexyl)~~

~~phthalate (DEHP), dibutyl phthalate (DBP) or benzyl butyl-~~
~~phthalate (BBP) in concentrations exceeding 0.1 per cent.~~

~~(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
that cause birth defects, reproductive harm or developmental
harm, as identified by the United States Environmental
Protection Agency.~~

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

SECTION 1. SHORT TITLE.

THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE TOXIN-FREE
TODDLER AND BABY PRODUCT ACT.

SECTION 2. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
CONTEXT CLEARLY INDICATES OTHERWISE:

"ATTORNEY GENERAL." THE ATTORNEY GENERAL OF THE
COMMONWEALTH.

"BOTTLE, CUP OR OTHER CONTAINER." A BOTTLE, CUP OR OTHER
CONTAINER DESIGNED OR INTENDED TO BE FILLED WITH ANY LIQUID,
FOOD OR BEVERAGE PRIMARILY FOR CONSUMPTION FROM THAT BOTTLE, CUP
OR CONTAINER BY CHILDREN THREE YEARS OF AGE OR YOUNGER.

"MANUFACTURER." A PERSON THAT MANUFACTURES BOTTLES, CUPS OR
OTHER CONTAINERS IN THIS COMMONWEALTH.

"PPB." PARTS PER BILLION.

SECTION 3. BISPHENOL A-FREE TODDLER AND BABY PRODUCTS.

(A) PROHIBITION.--NO MANUFACTURER MAY MANUFACTURE,
DISTRIBUTE OR SELL ANY BOTTLE, CUP OR OTHER CONTAINER THAT
CONTAINS BISPHENOL A AT A LEVEL ABOVE 0.1 PPB.

(B) NONAPPLICABILITY.--THE PROVISIONS OF SUBSECTION (A)
SHALL NOT APPLY TO:

(1) ANY FOOD AND BEVERAGE CONTAINER DESIGNED OR INTENDED

1 PRIMARILY TO CONTAIN LIQUID, FOOD OR BEVERAGES FOR
2 CONSUMPTION BY THE GENERAL POPULATION.

3 (2) ANY LIQUID, FOOD OR BEVERAGE IN A CAN OR JAR THAT
4 CONTAINS BISPHENOL A.

5 SECTION 4. REPLACEMENT OF BISPHENOL A.

6 (A) GENERAL RULE.--A MANUFACTURER SHALL USE THE LEAST TOXIC
7 ALTERNATIVE WHEN REPLACING BISPHENOL A IN BOTTLES, CUPS AND
8 OTHER CONTAINERS MANUFACTURED WITH BISPHENOL A PRIOR TO THE
9 EFFECTIVE DATE OF THIS SECTION.

10 (B) PROHIBITED CONDUCT.--

11 (1) NO MANUFACTURER MAY REPLACE BISPHENOL A IN BOTTLES,
12 CUPS AND OTHER CONTAINERS, MANUFACTURED WITH BISPHENOL A
13 PRIOR TO THE EFFECTIVE DATE OF THIS SECTION, WITH CARCINOGENS
14 RATED BY THE ENVIRONMENTAL PROTECTION AGENCY AS A, B OR C
15 CARCINOGENS OR SUBSTANCES DESCRIBED IN THE "LIST OF CHEMICALS
16 EVALUATED FOR CARCINOGENIC POTENTIAL."

17 (2) NO MANUFACTURER MAY REPLACE BISPHENOL A WITH
18 REPRODUCTIVE TOXICANTS THAT CAUSE BIRTH DEFECTS, REPRODUCTIVE
19 HARM OR DEVELOPMENTAL HARM, AS IDENTIFIED BY THE
20 ENVIRONMENTAL PROTECTION AGENCY.

21 SECTION 5. VIOLATIONS.

22 A VIOLATION OF THIS ACT SHALL CONSTITUTE A VIOLATION OF THE
23 ACT OF DECEMBER 17, 1968 (P.L.1224, NO.387), KNOWN AS THE UNFAIR
24 TRADE PRACTICES AND CONSUMER PROTECTION LAW.

25 SECTION 6. ENFORCEMENT.

26 THE ATTORNEY GENERAL SHALL ENFORCE THE PROVISIONS OF THIS
27 ACT.

28 SECTION 7. EFFECTIVE DATE.

29 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.