

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 192 Session of 2011

INTRODUCED BY CURRY, BRIGGS, CALTAGIRONE, COHEN, D. COSTA,
FREEMAN, GEORGE, GOODMAN, HESS, HORNAMAN, JOSEPHS, KORTZ,
MANN, MCGEEHAN, MILLARD, MIRABITO, MURPHY, M. O'BRIEN,
PASHINSKI, PYLE, REICHLEY, SANTARSIERO, J. TAYLOR,
VULAKOVICH, WAGNER AND WHITE, JANUARY 24, 2011

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JANUARY 24, 2011

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

1 primarily to contain liquid, food or beverages for
2 consumption by the general population.

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

5 (c) Alternatives.--

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

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

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

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

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

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

30 Section 4. Effective date.

1 This act shall take effect in 60 days.