1	State of Arkansas	As Engrossed: S3/10/11	
2	88th General Assembly	A Bill	
3	Regular Session, 2011		SENATE BILL 350
4			
5	By: Senator Madison		
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7		For An Act To Be Entitled	
8		ERNING THE SALE OF CHILDREN'S	
9	CONTAINING BISPHENOL-A IN THE STATE OF ARKANSAS; AND		
10	FOR OTHER PU	JRPOSES.	
11			
12			
13		Subtitle	
14	CONCER	NING THE SALE OF CHILDREN'S	
15		TS CONTAINING BISPHENOL-A IN	THE
16	STATE	OF ARKANSAS.	
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18			
19	BE IT ENACTED BY THE GEN	NERAL ASSEMBLY OF THE STATE ()F ARKANSAS:
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21	SECTION 1. Arkans	sas Code Title 20, Chapter 27	' is amended to add an
22	additional subchapter to	o read as follows:	
23	<u>20-27-101. Legis</u>	<u>lative intent.</u>	
24	<u>(a) The General A</u>	Assembly finds:	
25	<u>(1) Bispher</u>	nol-A is a synthetic estroger	<u>used in the production</u>
26	of some food and drink of	containers, including baby bo	ottles, and epoxy resins
27	used to coat food cans a	and bottle tops;	
28	<u>(2) The ma</u>	jority of bisphenol-A human a	absorption is by contact
29	with the mouth and skins	<u>;</u>	
30	<u>(3)</u> Infants	s and children may be exposed	l to bisphenol-A by their
31	playthings, food contain	ners, and skin products;	
32	(4) Studies	s have confirmed that bispher	<u>iol-A is harmful to</u>
33	infants and children; and		
34	<u>(5)</u> This ch	hemical poses a threat to chi	ldren at critical,
35	sensitive stages of the	<u>ir development.</u>	
36	(b) The intent of	<u>f this act is to prohibit in</u>	<u>this state the</u>



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As Engrossed: S3/10/11

1	manufacture, sale, and distribution of children's products containing	
2	bisphenol-A to prevent the harmful effects to infants and children that	
3	studies confirm can result from exposure to those chemicals.	
4		
5	20-27-102. Definitions.	
6	As used in this section:	
7	(1) "Baby food" means a prepared solid food consisting of a soft	
8	paste or an easily chewed food that is intended for consumption by children	
9	two (2) years of age or younger and is commercially available;	
10	(2) "Infant formula" means a milk-based or soy-based powder,	
11	concentrated liquid, or ready-to-feed substitute for human breast milk that	
12	is intended for infant consumption and is commercially available; and	
13	(3) "Reusable food or beverage container" means a receptacle for	
14	storing food or beverages, including without limitation a:	
15	(A) Baby bottle;	
16	(B) Baby bottle liner;	
17	<u>(C)</u> Cup;	
18	(D) Cup lid;	
19	(E) Straw;	
20	(F) Sippy cup;	
21	(G) Sports bottle; and	
22	(H) Vacuum bottle.	
23		
24	20-27-103. Sale of children's products containing bisphenol-A.	
25	(a) On and after October 1, 2012, no person shall manufacture, sell,	
26	offer for sale, or distribute in this state:	
27	(1) A reusable food or beverage container intended for use by a	
28	child three (3) years of age or younger that contains bisphenol-A;	
29	(2) Any instrument designed to assist a child three (3) years of	
30	age or younger in eating or drinking that contains bisphenol-A, including	
31	without limitation a:	
32	(A) Bottle nipple;	
33	(B) Child's fork;	
34	(C) Child's spoon;	
35	<u>(D) Bib; or</u>	
36	(E) Bottle warmer; and	

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1	(3) Pacifiers, teething aids, and crib teething rails that		
2	contain bisphenol-A.		
3	(b) On and after October 1, 2012, the following shall be conspicuously		
4	labeled as not containing bisphenol-A when sold, offered for sale, or		
5	distributed in this state:		
6	(1) A reusable food or beverage container intended for use by a		
7	child three (3) years of age or younger;		
8	(2) Any instrument designed to assist a child three (3) years of		
9	age or younger in eating or drinking, including without limitation a:		
10	(A) Bottle nipple;		
11	(B) Child's fork;		
12	(C) Child's spoon;		
13	<u>(D) Bib; or</u>		
14	(E) Bottle warmer;		
15	(3) Pacifiers;		
16	(4) Teething aids; and		
17	(5) Crib teething rails.		
18	(c) On and after July 1, 2014:		
19	(1) No person shall manufacture, sell, offer for sale, or		
20	distribute in this state infant formula or baby food stored in a container		
21	that contains bisphenol-A; and		
22	(2) Infant formula and baby food shall be conspicuously labeled		
23	as not containing bisphenol-A when sold, offered for sale, or distributed in		
24	<u>this state.</u>		
25	(d)(1) A person violating this section shall be subject to a		
26	fine of not less than two hundred fifty dollars (\$250) nor more than two		
27	thousand five hundred dollars (\$2,500).		
28	(2) Fines shall be assessed by the Department of Health.		
29	(3)(A) Each manufacture or distribution of a product in		
30	violation of this section shall constitute a separate violation.		
31	(B) Each day of selling or offering to sell a product in		
32	violation of this section shall constitute a separate violation.		
33	(e) The department may promulgate rules to implement this section.		
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35	<u>/s/Madison</u>		
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