

INTERIM STUDY PROPOSAL 2009-245

1  
2 State of Arkansas  
3 88th General Assembly  
4 Regular Session, 2011

**A Bill**

MBM/MBM  
SENATE BILL

5  
6 By: Senator Madison

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8 Filed with: Arkansas Legislative Council  
9 pursuant to A.C.A. §10-3-217.

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11 **For An Act To Be Entitled**

12 AN ACT CONCERNING THE SALE OF CHILDREN'S PRODUCTS  
13 CONTAINING BISPHENOL-A OR PHTHALATES IN THE STATE  
14 OF ARKANSAS; AND FOR OTHER PURPOSES.

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16 **Subtitle**

17 CONCERNING THE SALE OF CHILDREN'S  
18 PRODUCTS CONTAINING BISPHENOL-A OR  
19 PHTHALATES IN THE STATE OF ARKANSAS.

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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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24 SECTION 1. Arkansas Code Title 20, Chapter 27 is amended to add an  
25 additional subchapter to read as follows:

26 20-27-101. Legislative intent.

27 (a) The General Assembly finds:

28 (1) Bisphenol-A is a synthetic estrogen used in the production  
29 of some food and drink containers, including baby bottles, and epoxy resins  
30 used to coat food cans and bottle tops;

31 (2) Phthalates are esters of phthalic acid used as a plasticizer  
32 to help mold and smooth toys and plastic products;

33 (3) The majority of bisphenol-A human absorption is by contact  
34 with the mouth and skin;

35 (4) Infants and children may be exposed to bisphenol-A and  
36 phthalates by their playthings, food containers, and skin products;

1           (5) Studies have confirmed that bisphenol-A and phthalates are  
2 harmful to infants and children; and

3           (6) These chemicals pose a threat to children at critical,  
4 sensitive stages of their development.

5           (b) The intent of this act is to prohibit in this state the  
6 manufacture, sale, and distribution of children's products containing  
7 bisphenol-A and phthalates to prevent the harmful effects to infants and  
8 children that studies confirm can result from exposure to those chemicals.

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10           20-27-102. Definitions.

11           As used in this section:

12           (1) "Baby food" means a prepared solid food consisting of a soft  
13 paste or an easily chewed food that is intended for consumption by children  
14 two (2) years of age or younger and is commercially available;

15           (2) "Cosmetic products" means creams, lotions, powders, soaps,  
16 wipes, and diapers;

17           (3) "Infant formula" means a milk-based or soy-based powder,  
18 concentrated liquid, or ready-to-feed substitute for human breast milk that  
19 is intended for infant consumption and is commercially available;

20           (4) "Reusable food or beverage container" means a receptacle for  
21 storing food or beverages, including, but not limited to, baby bottles, baby  
22 bottle liners, cups, cup lids, straws, sippy cups, sports bottles, and vacuum  
23 bottles; and

24           (5) "Toy" means a plaything intended for use by children.

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26           20-27-103. Sale of children's products containing bisphenol-A or  
27 phthalates.

28           (a) On and after October 1, 2012, no person shall manufacture, sell,  
29 offer for sale, or distribute in this state:

30           (1) A reusable food or beverage container intended for use by a  
31 child three (3) years of age or younger that contains bisphenol-A or  
32 phthalates;

33           (2) Any instrument designed to assist a child three (3) years of  
34 age or younger in eating or drinking that contains bisphenol-A or phthalates,  
35 including without limitation a:

36           (A) Bottle nipple;

- 1                   (B) Child's fork;
- 2                   (C) Child's spoon;
- 3                   (D) Bib; or
- 4                   (E) Bottle warmer.
- 5                   (3) Infant formula or baby food stored in a container that
- 6 contains bisphenol-A or phthalates;
- 7                   (4) Breast pumps and breast pump accessories containing
- 8 bisphenol-A or phthalates that come into contact with milk;
- 9                   (5) Pacifiers, teething aids, and crib teething rails that
- 10 contain bisphenol-A or phthalates;
- 11                   (6) Cosmetic products intended for use by a child three (3)
- 12 years of age or younger that contain bisphenol-A or phthalates; and
- 13                   (7) A toy likely to be used by a child three (3) years of age or
- 14 younger that contains bisphenol-A or phthalates.
- 15                   (b) On and after October 1, 2012, the following shall be conspicuously
- 16 labeled as not containing bisphenol-A or phthalates when sold, offered for
- 17 sale, or distributed in this state:
- 18                   (1) Baby food;
- 19                   (2) Infant formula;
- 20                   (3) A reusable food or beverage container intended for use by a
- 21 child three (3) years of age or younger;
- 22                   (4) Any instrument designed to assist a child three (3) years of
- 23 age or younger in eating or drinking, including without limitation a:
- 24                   (A) Bottle nipple;
- 25                   (B) Child's fork;
- 26                   (C) Child's spoon;
- 27                   (D) Bib; and
- 28                   (E) Bottle warmer;
- 29                   (5) A toy likely to be used by a child n three (3) years of age
- 30 or younger;
- 31                   (6) Breast pumps;
- 32                   (7) Breast pump accessories that come into contact with milk;
- 33                   (8) Pacifiers;
- 34                   (9) Teething aids;
- 35                   (10) Crib teething rails; and
- 36                   (11) Cosmetic products intended for use by a child three (3)

1 years of age or younger.

2 (c)(1) A person violating this section shall be subject to a fine of  
3 not less than five hundred dollars (\$500) nor more than five thousand dollars  
4 (\$5,000).

5 (2) Fines shall be assessed by the Arkansas Department of  
6 Environmental Quality.

7 (3)(A) Each manufacture or distribution of a product in  
8 violation of this section shall constitute a separate violation.

9 (B) Each day of selling or offering to sell a product in  
10 violation of this section shall constitute a separate violation.

11 (d) The department may promulgate rules to implement this section.

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