

1 INTERIM STUDY PROPOSAL 2011-080

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

*As Engrossed: S3/10/11*

# A Bill

SENATE BILL 350

5  
6 By: Senator Madison

7 Filed with: Interim Senate Committee on Public Health, Welfare and Labor  
8 pursuant to A.C.A. §10-3-217.

## For An Act To Be Entitled

9 AN ACT CONCERNING THE SALE OF CHILDREN'S PRODUCTS  
10 CONTAINING BISPHENOL-A IN THE STATE OF ARKANSAS; AND  
11 FOR OTHER PURPOSES.  
12

### Subtitle

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15 CONCERNING THE SALE OF CHILDREN'S  
16 PRODUCTS CONTAINING BISPHENOL-A IN THE  
17 STATE OF ARKANSAS.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

25 20-27-101. Legislative intent.

26 (a) The General Assembly finds:

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

30 (2) The majority of bisphenol-A human absorption is by contact  
31 with the mouth and skin;

32 (3) Infants and children may be exposed to bisphenol-A by their  
33 playthings, food containers, and skin products;

34 (4) Studies have confirmed that bisphenol-A is harmful to  
35 infants and children; and

36 (5) This chemical poses a threat to children at critical,

1 sensitive stages of their development.

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

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7 20-27-102. Definitions.

8 As used in this section:

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

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

15 (3) "Reusable food or beverage container" means a receptacle for  
16 storing food or beverages, including without limitation a:

- 17 (A) Baby bottle;
- 18 (B) Baby bottle liner;
- 19 (C) Cup;
- 20 (D) Cup lid;
- 21 (E) Straw;
- 22 (F) Sippy cup;
- 23 (G) Sports bottle; and
- 24 (H) Vacuum bottle.

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

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

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

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

- 34 (A) Bottle nipple;
- 35 (B) Child's fork;
- 36 (C) Child's spoon;

1                   (D) Bib; or

2                   (E) Bottle warmer; and

3                   (3) Pacifiers, teething aids, and crib teething rails that  
4 contain bisphenol-A.

5                   (b) On and after October 1, 2012, the following shall be conspicuously  
6 labeled as not containing bisphenol-A when sold, offered for sale, or  
7 distributed in this state:

8                   (1) A reusable food or beverage container intended for use by a  
9 child three (3) years of age or younger;

10                   (2) Any instrument designed to assist a child three (3) years of  
11 age or younger in eating or drinking, including without limitation a:

12                   (A) Bottle nipple;

13                   (B) Child's fork;

14                   (C) Child's spoon;

15                   (D) Bib; or

16                   (E) Bottle warmer;

17                   (3) Pacifiers;

18                   (4) Teething aids; and

19                   (5) Crib teething rails.

20                   (c) On and after July 1, 2014:

21                   (1) No person shall manufacture, sell, offer for sale, or  
22 distribute in this state infant formula or baby food stored in a container  
23 that contains bisphenol-A; and

24                   (2) Infant formula and baby food shall be conspicuously labeled  
25 as not containing bisphenol-A when sold, offered for sale, or distributed in  
26 this state.

27                   (d)(1) A person violating this section shall be subject to a fine  
28 of not less than two hundred fifty dollars (\$250) nor more than two thousand  
29 five hundred dollars (\$2,500).

30                   (2) Fines shall be assessed by the Department of Health.

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

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

35                   (e) The department may promulgate rules to implement this section.

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/s/Madison

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Referred by the Arkansas Senate  
Prepared by: MBM/VJF