

INTERIM STUDY PROPOSAL 2009-245

State of Arkansas
88th General Assembly
Regular Session, 2011

A Bill

MBM/MBM
SENATE BILL

By: Senator Madison

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

For An Act To Be Entitled

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

Subtitle

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

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

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

20-27-101. Legislative intent.

(a) The General Assembly finds:

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

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

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

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

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

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

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

20-27-102. Definitions.

As used in this section:

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

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

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

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

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

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

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

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

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

(A) Bottle nipple;

- (B) Child's fork;
- (C) Child's spoon;
- (D) Bib; or
- (E) Bottle warmer.

(3) Infant formula or baby food stored in a container that contains bisphenol-A or phthalates;

(4) Breast pumps and breast pump accessories containing bisphenol-A or phthalates that come into contact with milk;

(5) Pacifiers, teething aids, and crib teething rails that contain bisphenol-A or phthalates;

(6) Cosmetic products intended for use by a child three (3) years of age or younger that contain bisphenol-A or phthalates; and

(7) A toy likely to be used by a child three (3) years of age or younger that contains bisphenol-A or phthalates.

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

(1) Baby food;

(2) Infant formula;

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

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

- (A) Bottle nipple;
- (B) Child's fork;
- (C) Child's spoon;
- (D) Bib; and
- (E) Bottle warmer;

(5) A toy likely to be used by a child n three (3) years of age or younger;

(6) Breast pumps;

(7) Breast pump accessories that come into contact with milk;

(8) Pacifiers;

(9) Teething aids;

(10) Crib teething rails; and

(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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