

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

A Bill

SENATE BILL 350

4
5 By: Senator Madison

For An Act To Be Entitled

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

Subtitle

14 CONCERNING THE SALE OF CHILDREN'S
15 PRODUCTS CONTAINING BISPHENOL-A IN THE
16 STATE OF ARKANSAS.

17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

23 20-27-101. Legislative intent.

24 (a) The General Assembly finds:

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

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

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

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

34 (5) This chemical poses a threat to children at critical,
35 sensitive stages of their development.

36 (b) The intent of this act is to prohibit in this state the



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 (C) 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 (D) Bib; or
- 36 (E) Bottle warmer; and

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 (D) Bib; or

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 this state.

25 (d) A product under this section shall be deemed to not contain
26 bisphenol-A if it contains less than two parts per million (2 ppm) of
27 bisphenol-A.

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

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

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

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

36 (f) The department may promulgate rules to implement this section.