

1 HB362
2 128130-1
3 By Representatives McMillan, Nordgren, Ison, McClurkin and
4 Davis
5 RFD: Health
6 First Read: 29-MAR-11

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8 SYNOPSIS: Existing law does not ban Bisphenol A.
9 This bill would ban Bisphenol A and would
10 provide penalties.

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12 A BILL
13 TO BE ENTITLED
14 AN ACT
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16 To ban the manufacture, sale, and distribution of
17 children's new reusable food or beverage containers that
18 contain Bisphenol A; and to provide for penalties.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. (a) After December 31, 2011, no person
21 shall manufacture, sell, or distribute in commerce a child's
22 new reusable food or beverage container that contains
23 bisphenol A.

24 (b) A person shall use the least toxic alternative
25 when replacing bisphenol A in a child's new reusable food or
26 beverage container for the purposes of subsection (a). The

1 person shall not replace bisphenol A with chemicals that the
2 United States environmental protection agency has:

3 (1) Rated as Group A, B, or C carcinogens.

4 (2) Identified as causing birth defects,
5 reproductive harm, or developmental harm.

6 (c) The State Health Officer shall promulgate any
7 rules necessary to carry out this act pursuant to the
8 Administrative Procedure Act.

9 (d) A person who violates this section, or rules the
10 State Health Officer has promulgated pursuant to this section,
11 is guilty of a misdemeanor and may be fined not less than one
12 hundred dollars (\$100) nor more than five hundred dollars
13 (\$500). The Attorney General shall enforce this act and may
14 petition the Circuit Court of Montgomery County for injunctive
15 relief to prevent a person from violating this section.

16 (e) For the purposes of this section, "child's new
17 reusable food or beverage container" means a new receptacle
18 for storing food or beverage that is designed or intended by a
19 manufacturer to be used by an individual five years of age or
20 younger, including, but not limited to, baby bottles,
21 spill-proof cups, sports bottles, and thermoses. Child's new
22 reusable food or beverage container does not mean a used food
23 or beverage container or a food or beverage container intended
24 for disposal after initial use.

25 Section 2. This act shall become effective on the
26 first day of the third month following its passage and
27 approval by the Governor, or its otherwise becoming law.

