

SENATE No. 1223

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act prohibiting the use of bisphenol-A in consumer products.

PETITION OF:

NAME:

Karen E. Spilka

DISTRICT/ADDRESS:

Second Middlesex and Norfolk

SENATE No. 1223

By Ms. Spilka, a petition (accompanied by bill, Senate, No. 1223) of Karen E. Spilka for legislation to prohibit the use of bisphenol-A in consumer products. Public Health.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act prohibiting the use of bisphenol-A in consumer products.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 94B of the General Laws, as appearing in the 2012 Official
2 Edition, is hereby amended by inserting after section 10 the following new section:-

3 Section 11. (a) The following words as used in this section shall have the following
4 meanings:-

5 “Child care article”, means all products designed or intended by the manufacturer to
6 facilitate sleep, relaxation, or the feeding of children three years of age or younger or to help said
7 children with sucking or teething.

8 “Sports bottle” means a resealable, reusable container, sixty-four ounces or less in size,
9 that is designed or intended primarily to be filled with a liquid or beverage for consumption from
10 the container, and is sold or distributed at retail without containing any liquid or beverage

11 “Toy”, means all products designed or intended by the manufacturer to be used by
12 children three years of age or younger when they play; provided however, that the commissioner

13 of the department of public health, by regulation, may exempt categories of products that the
14 commissioner determines do not pose a significant risk to the child.

15 (b) Commencing January 1, 2016, no person, entity, manufacturer, wholesaler, or retailer
16 may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use, any toy,
17 child care article, bottle, cup, or other container, that contains bisphenol A if that container is
18 designed or intended to be filled with any liquid, food, or beverage primarily for consumption
19 from that container.

20 (c) (1) Manufacturers shall use the least toxic alternative when replacing bisphenol-A in
21 accordance with this chapter.

22 (2) Manufacturers shall not replace bisphenol-A, pursuant to this chapter, with
23 carcinogens rated by the United States Environmental Protection Agency as A, B, OR C
24 carcinogens, known to be human carcinogens, likely to be human carcinogens, or suggestive of
25 being human carcinogens, as described in the “List of Chemicals Evaluated for Carcinogenic
26 Potential.”

27 (3) Manufacturers shall not replace bisphenol-A under this chapter with reproductive
28 toxicants that cause birth defects, reproductive harm, or developmental harm as identified by the
29 United States Environmental Protection Agency.

30 (d) A person, entity, manufacturer, wholesaler, or retailer that manufacturers, knowingly
31 sells, or distributes products in violation of this chapter is subject to a civil penalty not to exceed
32 five thousand dollars for each violation in the case of a first offense. Manufacturers, wholesalers,
33 or retailers who are repeat violators are subject to a civil penalty not to exceed ten thousand
34 dollars for each repeat offense.

35 (e) The commissioner may adopt rules as necessary for the purpose of implementing,
36 administering, and enforcing this section.