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HOUSE BILL 22

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Karen E. Giannini

AN ACT

RELATING TO PUBLIC HEALTH; BANNING THE MANUFACTURE, SALE AND
DISTRIBUTION OF CHILDREN'S NEW REUSABLE FOOD OR BEVERAGE
CONTAINERS THAT CONTAIN BISPHENOL A.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. PROHIBITION OF THE MANUFACTURE, SALE OR
DISTRIBUTION OF CHILDREN'S NEW REUSABLE FOOD OR BEVERAGE
CONTAINERS CONTAINING BISPHENOL A--REPLACEMENT CHEMICALS--
PENALTY.--

A. After December 31, 2011, no person shall
manufacture, sell or distribute in commerce a child's new
reusable food or beverage container that contains bisphenol A.

B. A person shall use the least toxic alternative
when replacing bisphenol A in a child's new reusable food or
beverage container for the purposes of Subsection A of this

underscoring material = new
[bracketed material] = delete

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

4 (1) rated as Group A, B or C carcinogens; or
5 (2) identified as causing birth defects,
6 reproductive harm or developmental harm.

7 C. The secretary of environment shall promulgate
8 any regulations necessary to carry out the provisions of this
9 act.

10 D. A person who violates this section, or
11 regulations the department of environment has promulgated
12 pursuant to this section, is guilty of a misdemeanor and may be
13 fined not less than one hundred dollars (\$100) nor more than
14 five hundred dollars (\$500). The attorney general shall
15 enforce the provisions of this section and may petition the
16 district court for injunctive relief to prevent a person from
17 violating this section.

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

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underscored material = new
[bracketed material] = delete

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for disposal after initial use.

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