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H.373

Introduced by Representatives Fisher of Lincoln, McCullough of Williston,

Nuovo of Middlebury and Sharpe of Bristol

Referred to Committee on

Date:

Subject: Health; public health; toxic substances; bisphenol A

Statement of purpose: This bill proposes to ban bisphenol A (BPA) in
children's products and most food and beverage containers.

An act relating to bisphenol A in children's products and food and beverage
containers

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 18 V.S.A. § 1512 is added to read:

§ 1512. BISPHENOL A

(a) As used in this section:

(1) "Bisphenol A" means an industrial chemical used primarily in the
manufacture of polycarbonate plastic and epoxy resins.

(2) "Canned goods" means any canned food or beverage that has been
hermetically sealed and commercially processed and prepared for human
consumption.

1 (3) “Child care article” means any product designed or intended by the
2 manufacturer to facilitate sleep, relaxation, or the feeding of children, or to
3 help children with sucking or teething.

4 (4) “Food or beverage container” means a package, parcel, or other
5 vessel intended for use in storing, heating, or serving liquid or solids intended
6 for consumption by humans, but does not include canned goods.

7 (5) “Toy” means any product designed or intended by the manufacturer
8 to be used by children when they play.

9 (b) Beginning July 1, 2009, no person or entity shall manufacture, sell, or
10 distribute in commerce any food or beverage container, child care article, or
11 toy containing bisphenol A in any concentration.

12 (c) Manufacturers shall use the least toxic alternative when replacing
13 bisphenol A in accordance with this section.

14 (d) Manufacturers shall not replace bisphenol A, pursuant to this section,
15 with carcinogens rated by the U.S. Environmental Protection Agency (EPA) as
16 A, B, or C carcinogens or substances listed on the EPA’s “List of Chemicals
17 Evaluated for Carcinogenic Potential” as known or likely carcinogens, known
18 to be human carcinogens, likely to be human carcinogens, or suggestive of
19 being carcinogens.

1 (e) Manufacturers shall not replace bisphenol A, pursuant to this section,
2 with reproductive toxicants that the EPA has identified as causing birth
3 defects, reproductive harm, or developmental harm.

4 (f) A violation of this section shall be deemed a violation of the Consumer
5 Fraud Act, chapter 63 of Title 9. The attorney general has the same authority
6 to make rules, conduct civil investigations, enter into assurances of
7 discontinuance, and bring civil actions, and private parties have the same rights
8 and remedies, as provided under subchapter 1 of chapter 63 of Title 9.