HOUSE DOCKET, NO. 2453 FILED ON: 1/20/2011

HOUSE . . . . . No. 2360

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

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 passage of the accompanying:

An Act Relative to Protecting Children from Bisphenol-A.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradley H. Jones, Jr.	*20th Middlesex*
John P. Fresolo	*16th Worcester*
Donald F. Humason, Jr.	*4th Hampden*
F. Jay Barrows	*1st Bristol*
Shaunna O'Connell	*3rd Bristol*
Donald H. Wong	*9th Essex*
Sheila C. Harrington	*1st Middlesex*
Matthew A. Beaton	*11th Worcester*
Kimberly N. Ferguson	*1st Worcester*
Steven L. Levy	*4th Middlesex*
Paul K. Frost	*7th Worcester*
George N. Peterson, Jr.	*9th Worcester*
Elizabeth A. Poirier	*14th Bristol*
Viriato Manuel deMacedo	*1st Plymouth*

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By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 2360) of Bradley H. Jones, Jr., and others relative to the use of Bisphenol-A in certain baby products. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act Relative to Protecting Children from Bisphenol-A.

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

SECTION 1. Chapter 111 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 222 the following new section:-

Section 223. (a) As used in this section the following terms shall have the following meanings:-

"Child care product", all pacifiers and reusable beverage containers intended for use by children three years of age or younger for the consumption of food or liquids including, but not limited to, the following: pacifiers, baby bottles, baby bottle liners, and cups, cup lids, straws, and sippy cups.

“Commissioner”, the commissioner of public health.

“Department”, the department of public health.

“Infant formula”, means a milk-based or soy-based powder, concentrated liquid, or ready-to-feed substitute for human breast milk that is intended for infant consumption and that is commercially available.

"Baby food", means a prepared solid food consisting of a soft paste or an easily chewed food that is intended for consumption by children two years of age or younger and is commercially available.

(b) Beginning January 1, 2012, no person or entity shall manufacture, sell, or distribute in the Commonwealth of Massachusetts any child care product containing bisphenol A.

19 (c) Beginning January 1, 2012, no person or entity shall manufacture, sell, or distribute in
20 the Commonwealth of Massachusetts any infant formula or baby food stored in a plastic
21 container, jar, or can that contains bisphenol A.

22 (d) Manufacturers shall use the least toxic alternative when replacing bisphenol A in
23 accordance with this section.

24 (e) Manufacturers shall not replace bisphenol A, pursuant to this section, with
25 carcinogens rated by the U.S. Environmental Protection Agency (EPA) as A, B, or C carcinogens
26 or substances listed on the EPA's "List of Chemicals Evaluated for Carcinogenic Potential" as
27 known or likely carcinogens, known to be human carcinogens, likely to be human carcinogens,
28 or suggestive of being carcinogens.

29 (f) Manufacturers shall not replace bisphenol A, pursuant to this section, with
30 reproductive toxicants that the EPA has identified as causing birth defects, reproductive harm, or
31 developmental harm.

32 (g) The commissioner shall place bisphenol A on the lists of toxic substances, hazardous
33 substances, and banned hazardous substances when bisphenol A is contained in child care
34 products, or infant formula or baby food containers.

35 (h)The department is authorized to promulgate such rules and regulations as it shall deem
36 necessary to implement the provisions of this section.