

2015 -- H 5693

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LC001409  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO HEALTH AND SAFETY -- PROHIBITION OF CONTAINERS USING  
BISPHENOL A

Introduced By: Representatives Handy, Maldonado, Tanzi, Regunberg, and Edwards

Date Introduced: February 26, 2015

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby  
2 amended by adding thereto the following chapter:

3 CHAPTER 94

4 PROHIBITION OF CONTAINERS USING BISPHENOL A

5 **23-94-1. Definitions. -- As used in this chapter:**

6 (1) "Bisphenol A" means a synthetic organic compound used in the manufacture of epoxy  
7 resins and other polymers.

8 (2) "Child" means a person twelve (12) years of age or younger.

9 (3) "Reusable food or beverage container" means a receptacle for storing food or  
10 beverages, including, but not limit to, spill-proof cups, sports bottles, and thermoses. The term  
11 does not include food or beverage containers intended for disposal after initial usage.

12 (4) "Food packaging" means a container or wrapper intended for food contact used to  
13 store food and foodstuffs for sale.

14 (5) "Canned food" means food sterilized by heat in a closed, durable container such as tin  
15 and aluminum cans, flexible aluminum foil and thermoplastic containers including squeeze tubes.

16 **23-94-2. Food containers containing bisphenol A prohibited. -- Beginning January 1,**  
17 2016, no person or entity shall manufacture, sell, or distribute in commerce in this state any  
18 reusable food or beverage container containing bisphenol A.

1           **23-94-3. Food packaged in containers with bisphenol A prohibited.** -- Beginning  
2 January 1, 2016, no person or entity shall manufacture, sell, or distribute in commerce in this state  
3 any food intended for or marketed to children that is stored in food packaging that contains  
4 bisphenol A.

5           **23-94-4. Bisphenol A replacements prohibited.** -- (a) Manufacturers shall not replace  
6 bisphenol A, pursuant to this section, with carcinogens rated by the U.S. Environmental  
7 Protection Agency (EPA) as A, B, or C carcinogens or substances listed on the EPA's "List of  
8 Chemicals Evaluated for Carcinogenic Potential" as known or likely carcinogens, known to be  
9 human carcinogens, likely to be human carcinogens, or suggestive of being carcinogens.

10           (b) Manufacturers shall not replace bisphenol A, pursuant to this section, with  
11 reproductive toxicants that the EPA has identified as causing birth defects, reproductive harm, or  
12 developmental harm.

13           (c) Manufacturers shall not replace bisphenol A, pursuant to this section, with endocrine  
14 disrupting chemicals identified by the European commission on the environment.

15           (d) The director of the department of health shall create a process whereby citizens can  
16 petition for additional chemicals to be added to the list of prohibited bisphenol A replacements in  
17 reusable food and beverage containers based on scientific evidence demonstrating harm or  
18 potential for harm from those alternatives.

19           **23-94-5. Bisphenol A label required.** -- Beginning January 1, 2016, all food packaging  
20 that contains bisphenol A shall display a label on the front of the package stating "this package  
21 contains bisphenol A, a chemical that may harm fetal development, which can leach into the  
22 food."

23           **23-94-6. Penalties and enforcement.** -- (a) Anyone violating or failing to comply with  
24 any of the requirements of this chapter shall be punished by a fine not to exceed five thousand  
25 dollars (\$5,000).

26           (b) The director may seek legal, injunctive, or other equitable relief to enforce this  
27 chapter.

28           (c) The remedies and penalties provided in this section are cumulative and not exclusive.

29           **23-94-7. Severability.** -- If any provision of this chapter or the application thereof to any  
30 person or circumstance is held invalid, the invalidity does not affect other provisions or  
31 application of this chapter which can be given effect without the invalid provision or application,  
32 and to this end the provisions of this chapter are severable.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO HEALTH AND SAFETY -- PROHIBITION OF CONTAINERS USING  
BISPHENOL A

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- 1           This act would prohibit the use of containers, or food packaged in containers that contain
- 2   bisphenol A.
- 3           This act would take effect upon passage.

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