

2016 -- H 7642

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

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

Introduced By: Representatives Handy, McEntee, Canario, Naughton, and McKiernan

Date Introduced: February 12, 2016

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

10 (3) "Child" means a person twelve (12) years of age or younger.

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

13 (5) "Reusable food or beverage container" means a receptacle for storing food or
14 beverages, including, but not limited to, spill-proof cups, sports bottles, and thermoses. The term
15 does not include food or beverage containers intended for disposal after initial usage.

16 **23-94-2. Food containers containing bisphenol A prohibited. --** Beginning January 1,
17 2017, 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, 2017, 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 with carcinogens rated by the Environmental Protection Agency (EPA) as A, B, or C
7 carcinogens or substances listed on the EPA's "List of Chemicals Evaluated for Carcinogenic
8 Potential" as known or likely carcinogens, known to be human carcinogens, likely to be human
9 carcinogens, or suggestive of being carcinogens.

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

12 (c) Manufacturers shall not replace bisphenol A with endocrine disrupting chemicals
13 identified by the European commission on the environment.

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

18 **23-94-5. Bisphenol A label required.** -- Beginning January 1, 2017, all food packaging
19 that contains bisphenol A shall display a label on the front of the package stating "this package
20 contains bisphenol A, a chemical that may harm fetal development, which can leach into the
21 food."

22 **23-94-6. Penalties and enforcement.** -- (a) Any person or entity violating or failing to
23 comply with any of the requirements of this chapter shall be punished by a fine not to exceed five
24 thousand dollars (\$5,000).

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

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

28 **23-94-7. Severability.** -- If any provision of this chapter or the application thereof to any
29 person or circumstance is held invalid, the invalidity shall not affect other provisions or
30 applications of this chapter which can be given effect without the invalid provision or application,
31 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

- 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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