

2018 -- H 7369

LC004002

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

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

Introduced By: Representatives Handy, McEntee, Ajello, Amore, and Ackerman

Date Introduced: January 31, 2018

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 95

4 PROHIBITION OF CONTAINERS USING BISPHENOL A

5 **23-95-1. Definitions.**

6 As used in this chapter:

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

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

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

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

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

17 **23-95-2. Food containers containing bisphenol A prohibited.**

18 Beginning January 1, 2019, no person or entity shall manufacture, sell, or distribute in

1 commerce in this state any reusable food or beverage container containing bisphenol A.

2 **23-95-3. Food packaged in containers with bisphenol A prohibited.**

3 Beginning January 1, 2019, no person or entity shall manufacture, sell, or distribute in
4 commerce in this state any food intended for or marketed to children that is stored in food
5 packaging that contains bisphenol A.

6 **23-95-4. Bisphenol A replacements prohibited.**

7 (a) Manufacturers shall not replace bisphenol A with carcinogens rated by the
8 Environmental Protection Agency (EPA) as A, B, or C carcinogens or substances listed on the
9 EPA's "List of Chemicals Evaluated for Carcinogenic Potential" as known or likely carcinogens,
10 known to be human carcinogens, likely to be human carcinogens, or suggestive of being
11 carcinogens.

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

14 (c) Manufacturers shall not replace bisphenol A with endocrine disrupting chemicals
15 identified by the European Commission on the Environment.

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

20 **23-95-5. Bisphenol A label required.**

21 Beginning January 1, 2019, all food packaging that contains bisphenol A shall display a
22 label on the front of the package stating "this package contains bisphenol A, a chemical that may
23 harm fetal development, which can leach into the food."

24 **23-95-6. Penalties and enforcement.**

25 (a) Any person or entity violating or failing to comply with any of the requirements of
26 this chapter shall be punished by a fine not to exceed five thousand dollars (\$5,000).

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

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

30 **23-95-7. Severability.**

31 If any provision of this chapter or the application thereof to any person or circumstance is
32 held invalid, the invalidity shall not affect other provisions or applications of this chapter which
33 can be given effect without the invalid provision or application, and to this end the provisions of
34 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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