

A bill for an act
relating to public health; protecting reproductive health and the health of
children; prohibiting Bisphenol-A and Phthalates in products for young children;
proposing coding for new law in Minnesota Statutes, chapter 325F.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[325F.172] Bisphenol-A in products for young children.**

Subdivision 1. **Findings.** (a) Bisphenol-A, an estrogen-mimicking endocrine
disrupter chemical, is used in the production of epoxy resins and polycarbonate plastics
and is the main ingredient in hard polycarbonate plastics. The plastics are used in many
food and drink packaging applications, and the resins are commonly used as lacquers to
coat metal products such as food cans, bottle tops, and water supply pipes.

(b) Bisphenol-A has been shown to have hormone disrupting effects, and it is used
in many products intended for use by young children, including, but not limited to, toys,
pacifiers, baby bottles, and teethingers.

Subd. 2. **Prohibition.** Beginning January 1, 2009, no person or entity shall
manufacture, sell, or distribute in commerce any toy or child care article intended for use
by a child under three years of age if that product contains bisphenol-A.

For the purposes of sections 325F.172 to 325F.174, the following terms have the
meanings given them:

(a) "Toy" means all products designed or intended by the manufacturer to be used by
children when they play.

(b) "Child care article" means all products designed or intended by the manufacturer
to facilitate sleep, relaxation, or the feeding of children or to help children with sucking or
teething.

Sec. 2. **[325F.173] Phthalates in products for young children.**

Subdivision 1. Findings. (a) Phthalates are chemicals used to plasticize some food containers, plastic wrap, toys, shampoos, perfumes, and beauty products.

(b) Phthalates have been shown to have hormone disrupting effects; however, they are used in many products intended for use by young children, including, but not limited to, toys, pacifiers, baby bottles, and teethingers.

Subd. 2. Prohibition. (a) Beginning January 1, 2009, no person or entity shall manufacture, sell, or distribute in commerce any toy or child care article that contains DEHP, DBP, or BBP in concentrations exceeding 0.1 percent.

(b) Beginning January 1, 2009, no person or entity shall manufacture, sell, or distribute in commerce any toy or child care article intended for use by a child under three years of age if that product can be placed in the child's mouth and contains DINP, DIDP, or DNOP in concentrations exceeding 0.1 percent.

Sec. 3. **[325F.174] Duties of manufacturers.**

(a) Manufacturers shall use the least toxic alternative when replacing bisphenol-A and phthalates according to sections 325F.172 and 325F.173.

(b) Manufacturers shall not replace bisphenol-A and phthalates, according to sections 325F.172 and 325F.173, with carcinogens rated by the United States Environmental Protection Agency as A, B, or C carcinogens.

(c) Manufacturers shall not replace bisphenol-A and phthalates, according to sections 325F.172 and 325F.173, with reproductive toxicants that cause birth defects, reproductive harm, or developmental harm as identified by the United States Environmental Protection Agency.