

A bill for an act  
relating to public health; banning bisphenol-A and phthalates or any replacement  
of either chemical in children's products; authorizing the Minnesota Pollution  
Control Agency to participate in a multistate clearinghouse; 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] DEFINITIONS.**

For the purposes of sections 325F.172 to 325F.175, the following terms have the  
meanings given them.

(a) "BBP" means benzyl butyl phthalate, CAS # 85-68-7.

(b) "Child" means a person under three years of age.

(c) "Children's product" means a product, other than a food or beverage product  
contained in a can, except in those used for infant formulas, designed or intended by a  
manufacturer to be used by a child:

(1) as a toy or an article of clothing;

(2) to facilitate sleep, relaxation, or feeding; or

(3) to be rubbed, poured, sprinkled, sprayed on, introduced into, or otherwise  
applied to the human body or any part thereof, including any article used as a component  
of such a product.

(d) "DBP" means di-n-butyl phthalate, CAS # 84-74-2.

(e) "DEHP" means di (2-ethylhexyl) phthalate, CAS # 117-81-7.

(f) "DIDP" means di-isodecyl phthalate, CAS # 26761-40-0.

(g) "DINP" means di-iso-nonyl phthalate, CAS # 71549-78-5.

(h) "DNOP" means di-n-octyl phthalate, CAS # 117-84-6.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 2. **[325F.173] BISPHENOL-A IN CHILDREN'S PRODUCTS; BAN.**

Beginning January 1, 2009, no manufacturer may sell or offer for initial sale at retail in this state a children's product that contains bisphenol-A. For purposes of this section, "bisphenol-A" means an estrogen-mimicking endocrine disrupting chemical used in the production of epoxy resins and polycarbonate plastics.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 3. **[325F.174] PHTHALATES IN CHILDREN'S PRODUCTS; BAN.**

(a) Beginning January 1, 2009, no manufacturer may sell or offer for initial sale at retail in this state a children's product that contains one of the following phthalates: DEHP, DBP, or BBP, in concentrations exceeding 0.1 percent, including plastic tubing used to deliver a solution intravenously to a child under three years of age.

(b) Beginning January 1, 2009, no manufacturer or entity may sell or offer for initial sale at retail in this state any children's product that can be placed in a child's mouth and contains one of the following phthalates: DINP, DIDP, or DNOP, in concentrations exceeding 0.1 percent.

(c) For purposes of this section, "phthalates" means a class of chemicals used to provide flexibility to polyvinyl chloride (PVC) plastic.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 4. **[325F.175] REPLACEMENT CHEMICALS.**

A manufacturer shall not replace bisphenol-A or phthalates as a result of the prohibitions in section 325F.173 or 325F.174 with a chemical that is:

(1) classified as "known to be a human carcinogen" or "reasonably anticipated to be a human carcinogen" in the most recent Report on Carcinogens published by the National Toxicology Program in the United States Department of Health and Human Services; or

(2) identified by the federal Environmental Protection Agency as causing birth defects or reproductive or environmental harm.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 5. **[325F.176] PARTICIPATION IN INTERSTATE CLEARINGHOUSE.**

The Minnesota Pollution Control Agency may participate in the establishment and implementation of a multistate clearinghouse to identify children's products containing

**H.F. No. 2100, 2nd Engrossment - 2007-2008th Legislative Session (2007-2008)**

3.1 bisphenol-A and phthalates and to evaluate safer alternatives that may be substituted  
3.2 for those chemicals.

3.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.