

A bill for an act
relating to public health; protecting the health of children; prohibiting
bisphenol-A 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] DEFINITIONS.**

Subdivision 1. **Scope.** For the purposes of sections 325F.172 to 325F.175, the
following terms have the meanings given them.

Subd. 2. **Child.** "Child" means a person under three years of age.

Subd. 3. **Children's product.** (a) "Children's product" means a product, including
containers used to contain infant formulas, designed or intended by a manufacturer to
be used by a child:

(1) as a toy;

(2) to facilitate feeding; or

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

(b) "Children's product" does not include:

(1) a "device" as defined in the Federal Food, Drug, and Cosmetic Act, United States
Code, title 21, section 321, paragraph (h); or

(2) a container containing a food or beverage, except that a container containing
infant formula is a "children's product."

Subd. 4. **Container.** "Container" means an airtight metal, glass, or plastic container
or a container composed of a combination of these materials that contains a food or
beverage.

Subd. 5. **Infant formula.** "Infant formula" has the meaning given in the Federal Food, Drug, and Cosmetic Act, United States Code, title 21, section 321, paragraph (z).

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

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

(a) By January 1, 2010, no manufacturer may sell or offer for sale in this state a children's product that contains bisphenol-A, except that a manufacturer of infant formula sold in a container is not required to comply with this section until January 1, 2013.

(b) This section does not apply to sale of a used children's product.

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

Sec. 3. **[325F.174] REPLACEMENT CHEMICALS.**

A manufacturer may not sell or offer for sale in Minnesota a children's product that, as a direct result of the prohibition in section 325F.173, contains 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, hormone disruption, or harm to reproduction or development.

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

Sec. 4. **[325F.175] PARTICIPATION IN INTERSTATE CLEARINGHOUSE.**

The Pollution Control Agency may participate in the establishment and implementation of a multistate clearinghouse to identify children's products containing bisphenol-A and to evaluate safer alternatives that may be substituted for that chemical.

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