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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 326

January 26, 2009

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The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight

1.1 A bill for an act
1.2 relating to public health; protecting the health of children; prohibiting
1.3 bisphenol-A in products for young children; proposing coding for new law in
1.4 Minnesota Statutes, chapter 325F.

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

1.6 Section 1. **[325F.172] DEFINITIONS.**

1.7 (a) For the purposes of sections 325F.172 to 325F.175, the following terms have
1.8 the meanings given them.

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

1.10 (c) "Children's product" means a product, including containers used to contain infant
1.11 formulas, designed or intended by a manufacturer to be used by a child:

1.12 (1) as a toy;

1.13 (2) to facilitate feeding; or

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

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

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

1.18 By January 1, 2010, no manufacturer may sell or offer for sale in this state a new
1.19 children's product that contains bisphenol-A. As it applies to manufacturers of infant
1.20 formula containers, the date for compliance with this section is January 1, 2013.

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

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

2.2 A manufacturer shall not replace bisphenol-A as a result of the prohibitions in
2.3 sections 325F.173 with a chemical that is:

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

2.7 (2) identified by the federal Environmental Protection Agency as causing birth
2.8 defects, hormone disruption, or harm to reproduction or development.

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

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

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

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