

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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SENATE DRS75117-MH-31 (02/22)

Short Title: Restrict Products Containing BPA.

(Public)

Sponsors: Senators Robinson and Mansfield (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE MANUFACTURE, SALE, OR DISTRIBUTION OF
CERTAIN PRODUCTS CONTAINING BISPHENOL A.

Whereas, the General Assembly finds that it is both a proper purpose for legislative action and in the public interest to ensure that children are not unnecessarily exposed to harmful toxins; and

Whereas, the General Assembly finds that public health, safety, and welfare can be protected by prohibiting the manufacture, sale, or distribution of products that contain bisphenol A (BPA); and

Whereas, the General Assembly finds that BPA has been in use since the 1950s and is presently widely used in certain kinds of plastics and epoxy resins, including those commonly found in baby bottles and reusable food storage containers; and

Whereas, the General Assembly finds that research conducted by the Centers for Disease Control and Prevention in the U.S. Department of Health and Human Services found that 93 percent of Americans tested in the National Health and Nutrition Examination Survey had detectable levels of BPA in their urine and that children had higher levels than adults; and

Whereas, the General Assembly finds that, according to the National Institutes of Health, diet is the main route by which people are exposed to BPA due to its potential to leach from containers into food and drink; and

Whereas, the General Assembly finds that the National Institutes of Health has expressed concern that BPA exposure in children may lead to problems with brain development, behavior, early onset of puberty, breast cancer, and prostate cancer and new research has also suggested that BPA may interfere with metabolism and lead to obesity, heart disease, and diabetes due to BPA's role as a known endocrine disruptor; and

Whereas, the General Assembly finds that many companies have voluntarily phased out BPA from their products or have removed BPA-containing products from their store shelves or both; and

Whereas, the General Assembly finds that it is in the best interest of North Carolina to significantly reduce infants' and toddlers' exposure to BPA as soon as possible, and to ultimately eliminate all exposure; Now, therefore,
The General Assembly of North Carolina enacts:

SECTION 1. Chapter 130A of the General Statutes is amended by adding a new Article to read:

"Article 19C.

"Manufacture, Distribution, and Sale of Products Containing Bisphenol A.



1 **"§ 130A-453.51. Definitions.**

2 The following definitions apply throughout this Article:

- 3 (1) Bisphenol A. – The bicyclic phenol more particularly identified as
4 4,4'-isopropylidenediphenol and assigned Chemical Abstracts Service
5 Registry Number 80-05-7.
6 (2) EPA. – The United States Environmental Protection Agency.
7 (3) Reusable food or beverage container. – A receptacle for storing food or
8 beverages, including, but not limited to, baby bottles, spill-proof cups, sports
9 bottles, and thermoses. The term does not include food or beverage
10 containers that are either (i) intended for disposal after consumption of the
11 contents or (ii) sold at retail containing any liquid, food, or beverage.

12 **"§ 130A-453.52. Prohibition.**

13 No person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute
14 for use in this State any reusable food or beverage container containing bisphenol A.

15 **"§ 130A-453.53. Replacement limited.**

16 (a) Any manufacturer choosing to comply with this Article by substitution of another
17 chemical for bisphenol A shall use the least toxic alternative.

18 (b) Manufacturers shall not replace bisphenol A, pursuant to the prohibition of this
19 Article, with carcinogens rated by the EPA as A, B, or C carcinogens or substances listed on
20 the EPA's "List of Chemicals Evaluated for Carcinogenic Potential" as known or likely
21 carcinogens, known to be human carcinogens, likely to be human carcinogens, or suggestive of
22 being carcinogens.

23 (c) Manufacturers shall not replace bisphenol A, pursuant to the prohibition of this
24 Article, with any substance identified by the EPA as a reproductive toxicant causing birth
25 defects, reproductive harm, or developmental harm.

26 **"§ 130A-453.54. Commission to adopt rules.**

27 The Commission shall adopt rules to implement this Article."

28 **SECTION 2.** G.S. 130A-22 is amended by adding a new subsection to read:

29 "(b4) The Secretary may impose an administrative penalty on a person who knowingly
30 violates Article 19C of this Chapter or any rules adopted pursuant to Article 19C of this
31 Chapter. The penalty shall not exceed five thousand dollars (\$5,000) for a first offense or ten
32 thousand dollars (\$10,000) for any additional violations within any 12-month period."

33 **SECTION 3.** This act becomes effective January 1, 2013.