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# A BILL FOR AN ACT

RELATING TO TOXIC PRODUCTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that phthalates, a class  
2 of chemicals used in polyvinyl chloride plastic to improve  
3 flexibility and in cosmetics to bind fragrance to the product,  
4 are also used in many products intended for use by infants and  
5 young children, including teething rings, toys, and soft plastic  
6 books. There is extensive scientific literature reporting the  
7 hormone-disrupting effect of phthalates and substantial evidence  
8 that levels of the phthalates of concern are found in humans at  
9 levels associated with adverse effects. Population studies show  
10 that virtually everyone carries some level of phthalates in  
11 their body. For the general population, the oral route of  
12 exposure is considered a major route.

13           The purpose of this Act is to prohibit the manufacture,  
14 sale, or distribution of certain toys and child care articles  
15 containing bisphenol-A or specific types of phthalates in  
16 concentrations exceeding 0.1 per cent and to require  
17 manufacturers to use safer alternatives when replacing  
18 phthalates in their products.



1 SECTION 2. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to be appropriately designated and to read  
3 as follows:

4 "CHAPTER  
5 PHTHALATES

6 § -1 **Definitions.** As used in this chapter:

7 "Child care article" means any product designed or intended  
8 by the manufacturer to facilitate sleep, relaxation, or the  
9 feeding of children under the age of three or to help children  
10 under the age of three with sucking or teething.

11 "Phthalates" or "phthalate esters" means the group of  
12 chemical compounds that are mainly used to plasticize soft  
13 plastic polyvinyl chloride bath toys, teething rings, bath  
14 books, and other toys and child care articles for infants and  
15 young children.

16 "Toy" means any product designed or intended by the  
17 manufacturer to be used by a child at play.

18 § -2 **Prohibition of manufacture, sale, or distribution.**

19 Beginning January 1, 2009, no person or entity shall  
20 manufacture, sell, or distribute in commerce any toy or child  
21 care article that:



- 1 (1) Is intended for use by a child under three years of
- 2 age and contains bisphenol-A;
- 3 (2) Contains di-2-ethyl hexyl phthalate (DEHP), dibutyl
- 4 phthalate (DBP), or butyl benzyl phthalate (BBP) in
- 5 concentrations exceeding 0.1 per cent; or
- 6 (3) Is intended for use by a child under three years of
- 7 age if that product can be placed in the child's mouth
- 8 and contains diisononyl phthalate (DINP), diisodecyl
- 9 phthalate (DIDP), or di-n-octyl phthalate (DnOP) in
- 10 concentrations exceeding 0.1 per cent.

11 § -3 Alternatives to bisphenol-A and phthalates. (a)

12 Manufacturers shall use the least toxic alternative when  
13 replacing bisphenol-A or phthalates in accordance with this  
14 chapter.

15 (b) Pursuant to this chapter, manufacturers shall not  
16 replace bisphenol-A or phthalates with:

- 17 (1) Any carcinogen rated by the United States
- 18 Environmental Protection Agency as an A, B, or C
- 19 carcinogen, or any substance listed as a known or
- 20 likely carcinogen, known to be a human carcinogen,
- 21 likely to be a human carcinogen, or suggestive of
- 22 being a human carcinogen, as described in the United



1 States Environmental Protection Agency's List of  
 2 Chemicals Evaluated for Carcinogenic Potential; or  
 3 (2) Any reproductive toxicant identified by the United  
 4 States Environmental Protection Agency as a cause of  
 5 birth defects, reproductive harm, or developmental  
 6 harm."

7 SECTION 3. This Act shall take effect upon its approval.  
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**Report Title:**

Toxic products; Infant and Child Safety

**Description:**

Prohibits the manufacturing, sale, or distribution of toys and child care articles containing certain toxic chemicals and requires manufacturers to use the least toxic alternatives.

