
A BILL FOR AN ACT

PROTECTING CHILDREN FROM CERTAIN TOXIC PRODUCTS.

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

1 SECTION 1. The legislature finds that chronic diseases
2 such as asthma, autism, birth defects, cancers, developmental
3 disabilities, diabetes, endometriosis, infertility, and
4 Parkinson's disease are increasingly linked to repeated and
5 increased exposure to toxic substances. Growing children are
6 particularly at risk to chemicals in their environment, as they
7 face greater exposure per pound of body weight and are
8 physiologically more susceptible to chemicals. Precautionary
9 measures must be taken to protect them.

10 A recent United States Centers for Disease Control and
11 Prevention study found that 95 per cent of Americans have
12 detectable levels of bisphenol-A in their bodies. The observed
13 levels of bisphenol-A were within the range of concentrations
14 known to reliably cause adverse effects in laboratory
15 experiments. More than 130 studies have suggested that
16 bisphenol-A exposure, even in very low doses, is linked to a
17 staggering number of health problems, including prostate cancer,
18 breast cancer, obesity, attention deficit and hyperactivity



1 disorder, brain damage, altered immune system, lowered sperm
2 counts, and early puberty. Numerous studies have shown that
3 polycarbonate plastics break down and leach bisphenol-A into
4 food or beverages in contact with the plastics.

5 Scientific evidence has also shown that phthalates are
6 found in humans at levels associated with adverse effects.
7 Population studies show that virtually everyone carries some
8 level of phthalates in their body. The European Union and many
9 countries have restricted the use of phthalates in children's
10 toys. The European Union has banned di-2-ethyl hexyl phthalate,
11 di-n-butyl phthalate, and butyl benzyl phthalate in all toys and
12 child care articles and diisononyl phthalate, diisodecyl
13 phthalate, and di-n-octyl phthalate in toys and child care
14 articles that can be put in the mouth. Prior to the European
15 Union ban, the following countries had also banned phthalates in
16 children's toys: Argentina, Austria, Cyprus, Czech Republic,
17 Denmark, Fiji, Finland, Germany, Greece, Italy, Japan, Mexico,
18 Norway, and Sweden.

19 The purpose of this Act is to ensure the health and safety
20 of children by prohibiting the manufacture, sale, and
21 distribution of products for young children that contain



1 bisphenol-A or phthalates and requiring manufacturers to choose
2 safe alternatives.

3 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
4 amended by adding a new part to be appropriately designated and
5 to read as follows:

6 **"PART . INFANT AND TODDLER SAFETY**

7 **§321- Definitions.** As used in this part, unless the
8 context otherwise requires:

9 "Bisphenol-A" refers to an estrogen-mimicking endocrine
10 disrupter chemical used in the production of epoxy resins and
11 polycarbonate plastics and is the main ingredient in hard
12 polycarbonate plastics.

13 "Child care article" means all products designed or
14 intended by the manufacturer to facilitate sleep, relaxation, or
15 the feeding of children or to help children with sucking or
16 teething.

17 "Phthalates" and "phthalate esters" refer to a group of
18 chemical compounds that are mainly used to plasticize some food
19 containers, plastic wrap, toys, shampoos, perfumes, and beauty
20 products.

21 "Toy" means all products designed or intended by the
22 manufacturer to be used by children when they play.



1 **§321- Prohibition of manufacture, sale, or**
2 **distribution.** Beginning January 1, 2009, no person or entity
3 shall manufacture, sell, or distribute in commerce any toy or
4 child care article that is:

5 (1) Intended for use by a child under three years of age
6 and contains bisphenol-A;

7 (2) Contains di-2-ethyl hexyl phthalate, di-n-butyl
8 phthalate, or butyl benzyl phthalate in concentrations
9 exceeding 0.1 per cent; or

10 (3) Intended for use by a child under three years of age,
11 can be placed in the child's mouth, and contains
12 diisononyl phthalate, diisodecyl phthalate, or di-n-
13 octyl phthalate in concentrations exceeding 0.1 per
14 cent.

15 **§321- Alternatives to bisphenol-A and phthalates.**

16 Manufacturers shall use the least toxic alternative when
17 replacing bisphenol-A and phthalates in accordance with this
18 part. Manufacturers shall not replace bisphenol-A and
19 phthalates, pursuant to this part, with either:

20 (1) Carcinogens rated as A, B, or C carcinogens in the
21 United States Environmental Protection Agency's list
22 of chemicals evaluated for carcinogenic potential; or



1 (2) Reproductive toxicants that cause birth defects,
2 reproductive harm, or developmental harm as identified
3 by the United States Environmental Protection Agency."

4 SECTION 3. This Act shall take effect on July 1, 2010.



Report Title:

Children; Products Containing Toxic Substances

Description:

Prohibits the manufacture, sale, and distribution of products for young children that contain bisphenol-A or phthalates. Requires manufacturers to choose safe alternatives. (HB2449 HD1)

