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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 conditions such as  
2 asthma, diseases such as cancer, and developmental disabilities  
3 are linked to exposure to toxic substances. Growing children  
4 are particularly at risk in this regard, as they are  
5 physiologically more susceptible to chemicals. Precautionary  
6 measures must be taken to protect them.

7           Bisphenol A is an industrial chemical that is used in  
8 packaging and plastic bottles. Bisphenol A in plastics and  
9 packaging materials can transfer to liquids and foods, and  
10 additional amounts of bisphenol A are transferred when hot or  
11 boiling foods or liquids come into contact with packaging made  
12 of bisphenol A. Some animal studies have shown that exposure to  
13 bisphenol A may be linked to health problems such as diabetes,  
14 cardiovascular disease, and reproductive disorders.

15           In July 2012, the United States Food and Drug  
16 Administration banned the use of bisphenol A in infant feeding  
17 bottles and spill-proof cups known as "sippy cups", including  
18 their closures and lids, designed to help train babies and



1 toddlers to drink from cups. 21 Code of Federal Regulations  
 2 section 177.1580. This decision was made in response to a  
 3 petition that the American Chemistry Council filed because  
 4 manufacturers had stopped using bisphenol A in baby bottles and  
 5 sippy cups. However, the decision did not include banning the  
 6 use of bisphenol A in products such as baby formula containers.  
 7 The legislature finds that it is in the best interest of  
 8 Hawaii's children to significantly reduce children's exposure to  
 9 bisphenol A as early as possible, and ultimately, eliminate  
 10 exposure altogether.

11 The purpose of this Act is to promote the health and safety  
 12 of children by prohibiting the manufacture, sale, and  
 13 distribution of food and drink containers to young children that  
 14 contain bisphenol A and require manufacturers to choose safe  
 15 alternatives to bisphenol A.

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

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

20 **§321- Short title.** This part shall be known, and may  
 21 be cited, as the Toxin-Free Keiki Act.



1           **§321- Definitions.** As used in this part, unless the  
2 context otherwise requires:

3           "Bisphenol A" refers to an estrogen-mimicking chemical used  
4 in the production of epoxy resins and polycarbonate plastics.

5           "Child care article" means a reusable food or drink  
6 container that is designed and intended by the manufacturer to  
7 be filled with food or liquid and to be used by a child.

8           **§321- Prohibition of manufacture, sale, or**  
9 **distribution.** Beginning January 1, 2014, no person or legal  
10 entity shall manufacture, sell, or distribute any child care  
11 article in the State that is intended for use by a child under  
12 three years of age and contains bisphenol A.

13           **§321- Alternatives to bisphenol A.** Manufacturers shall  
14 use the least toxic alternative when replacing bisphenol A in  
15 accordance with this part. Manufacturers shall not replace  
16 bisphenol A, pursuant to this part, with either:

17           (1) Substances with the following cancer weight-of-  
18 evidence descriptors: carcinogenic to humans; likely  
19 to be carcinogenic to humans; or suggestive evidence  
20 of carcinogenic potential, as described by the United  
21 States Environmental Protection Agency's guidelines  
22 for carcinogenic risk assessment; 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, 2013.



**Report Title:**

Toxic Products; Infant and Child Safety

**Description:**

Prohibits the manufacture, sale, or distribution of reusable drink and food containers intended for use by children under three and containing bisphenol A. Requires manufacturers to use the least toxic alternatives to bisphenol A. Effective July 1, 2013. (HB396 HD1)

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