

JAN 18 2013

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

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

5 **§321- Short title.** This part shall be known, and may be
6 cited, as the Toxin-Free Keiki Act.

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.

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

16 "Phthalates" and "phthalate esters" refer to a group of
17 chemical compounds that are used mainly to plasticize food



1 containers, plastic wrap, toys, shampoos, perfumes, and beauty
2 products.

3 "Toy" means a product designed or intended by a
4 manufacturer to be used by children for recreational purposes.

5 **§321- Prohibition of manufacture, sale, or distribution**
6 **of certain toys and child care articles.** Beginning January 1,
7 2014, no person or legal entity shall manufacture, sell, or
8 distribute any toy or child care article that is:

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

11 (2) Contains di-2-ethyl hexyl phthalate, di-n-butyl
12 phthalate, or butyl benzyl phthalate in concentrations
13 exceeding 0.1 per cent; or

14 (3) Intended for use by a child under three years of age,
15 is small enough to be placed in a child's mouth, and
16 contains diisononyl phthalate, diisodecyl phthalate,
17 or di-n-octyl phthalate in concentrations exceeding
18 0.1 per cent.

19 **§321- Alternatives to bisphenol-A and phthalates.**

20 Manufacturers shall use the least toxic alternative when
21 replacing bisphenol-A and phthalates in accordance with this



1 part. Manufacturers shall not replace bisphenol-A and
2 phthalates, pursuant to this part, with either:

- 3 (1) Carcinogens rated as A, B, or C by the United States
4 Environmental Protection Agency's list of chemicals
5 evaluated for carcinogenic potential; or
6 (2) Reproductive toxicants that cause birth defects,
7 reproductive harm, or developmental harm as identified
8 by the United States Environmental Protection Agency."

9 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§321- Packages and packaging containing metals. (a)
13 Beginning January 1, 2014, no person or legal entity shall
14 manufacture, sell, or distribute any package or packaging
15 containing levels of lead, cadmium, mercury, and hexavalent
16 chromium present in excess of one hundred parts per million by
17 weight.

18 (b) This section shall apply only to lead, cadmium,
19 mercury, and hexavalent chromium that has been intentionally
20 introduced as an element during manufacturing or distribution.

21 (c) As used in this section:



1 "Package" means the immediate container or wrapping in
2 which any substance or item is contained for sale or use in the
3 State.

4 "Packaging" means any material used to surround, brace,
5 cushion, coat, or hold any substance or item for use or sale in
6 the State."

7 SECTION 3. Chapter 323F, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 "§323F- Procurement of vinyl intravenous solution bags
11 and tubing prohibited. (a) Beginning January 1, 2014, the
12 corporation shall not purchase or use any vinyl intravenous
13 solution bags or vinyl tubing for use in any healthcare
14 application.

15 (b) As used in this section:

16 "Vinyl intravenous solution bags" means intravenous
17 solution bags containing any amount of polyvinyl chloride
18 plastic for use in healthcare.

19 "Vinyl tubing" means tubing containing any amount of
20 polyvinyl chloride plastic for use in healthcare."



1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 5. New statutory material is underscored.

5 SECTION 6. This Act shall take effect upon its approval.

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Report Title:

Children; Toxic Substances; Bisphenol-A; Phthalates; Packaging; Metals; Vinyl Intravenous Solution Bags; Vinyl Tubing; Hawaii Heath Systems Corporation

Description:

Prohibits the manufacture, sale, or distribution of child care products and toys for young children that contain bisphenol-A or phthalates beginning 1/1/2014. Requires manufacturers to choose safe alternatives. Prohibits the use of packages and packaging containing lead, cadmium, mercury, and hexavalent chromium beginning 1/1/2014. Prohibits the Hawaii health systems corporation from purchasing and using vinyl intravenous solution bags and vinyl tubing beginning 1/1/2014.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

