

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Prevent Infant Exposure to Harmful Hormone-disrupting Substances

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA c. 276 is enacted to read:

CHAPTER 276

TOYS AND CHILD CARE PRODUCTS

§ 1700-B. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Child care product. "Child care product" means a product designed or intended by the manufacturer to facilitate sleep, relaxation or the feeding of a child or to help a child with sucking or teething.

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

§ 1700-C. Bisphenol A and phthalates

1. Prohibition. A person may not manufacture, sell or distribute in commerce a toy or child care product intended for use by a child under 3 years of age that has been made with or contains:

A. Bisphenol A; or

B. Di (2-ethylhexyl) phthalate, di butyl phthalate, benzyl butyl phthalate, diisononyl phthalate, diisodecyl phthalate or di-n-octyl phthalate in concentrations exceeding 0.1%.

2. Alternatives. A manufacturer of a toy or child care product shall use the least toxic alternative when replacing a prohibited substance under subsection 1 in a toy or child care product. In replacing a prohibited substance with the least toxic alternative, a manufacturer may not:

A. Use a substance containing a carcinogen rated by the United States Environmental Protection Agency as an A, B or C carcinogen or a substance listed as a known or likely carcinogen, known to be a human carcinogen, likely to be a human carcinogen or suggestive of being a human carcinogen as described in the "List of Chemicals Evaluated for Carcinogenic Potential" published by the United States Environmental Protection Agency, Office of Pesticide Programs or listed as known to cause cancer in the California Safe Drinking Water Act, Chapter 4, Part 12 of the California Health and Safety Code; or

B. Use a reproductive toxicant, which is a toxicant that may cause birth defects or reproductive or developmental harm, as identified by the United States Environmental Protection Agency or listed in the California Safe Drinking Water Act, Chapter 4, Part 12 of the California Health and Safety Code.

Sec. 2. Child prevention study. The Department of Health and Human Services, Maine Center for Disease Control and Prevention shall study ways to eliminate infant exposure to bisphenol A, di (2-ethylhexyl) phthalate, di butyl phthalate, benzyl butyl phthalate, diisononyl phthalate, diisodecyl phthalate and di-n-octyl phthalate and submit its report along with any recommended legislation to the Joint Standing Committee on Health and Human Services by December 15, 2007. The Joint Standing Committee on Health and Human Services may submit a bill related to the report to the Second Regular Session of the 123rd Legislature.

SUMMARY

This bill prohibits the manufacture, sale and distribution of toys and child care products made with the endocrine-disrupting chemicals bisphenol A or di (2-ethylhexyl) phthalate, di butyl phthalate, benzyl butyl phthalate, diisononyl phthalate, diisodecyl phthalate and di-n-octyl phthalate, requires a manufacturer to replace a prohibited chemical with the least toxic alternative not including a likely carcinogenic substance or substance that may cause birth defects, reproductive or developmental harm and directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention to study ways to eliminate infant exposure to these chemicals and report back to the Legislature by December 15, 2007.