

**SB0151/607070/2**

BY: Finance Committee

AMENDMENTS TO SENATE BILL 151  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Zirkin” and substitute “Zirkin, Garagiola, Glassman, Mathias, and Muse”; in line 2, strike “Child Care Articles –” and substitute “Public Health – Containers of Infant Formula Manufactured with”; in line 3, after the first “of” insert “prohibiting the State from purchasing infant formula in containers containing a certain amount of bisphenol–A on or after a certain date;”; in lines 3 and 4, strike “child care articles” and substitute “containers of infant formula”; in line 4, after “containing” insert “a certain amount of”; strike beginning with “altering” in line 6 down through “changes;” in line 7 and substitute “authorizing the Secretary of Health and Mental Hygiene to suspend implementation of certain provisions of this Act under certain circumstances; requiring the Department to make a certain report to certain committees of the General Assembly on or before a certain date;”; in line 7, strike “prohibitions on” and substitute “containers of infant formula and”; and in lines 7 and 8, strike “in child care articles”.

AMENDMENT NO. 2

On page 1, after line 13, insert:

“Preamble

WHEREAS, The presence of the chemical bisphenol–A is of concern because of potential adverse side effects; and

WHEREAS, The National Institute of Environmental Health Sciences and the U.S. Food and Drug Administration are engaged in a 2–year research effort, including psychologically–based pharmacokinetic modeling studies and rodent subchronic and behavioral or neuroanatomical pilot studies that are due in 2012, to identify health risks associated with bisphenol–A; and

(Over)

WHEREAS, The U.S. Food and Drug Administration will update its assessment of bisphenol-A and will be prepared to take additional action if warranted; now, therefore.”;

in line 18, strike the brackets; strike beginning with the colon in line 18 down through “AN” in line 19; and in lines 20 and 21, strike “; AND” and substitute a period.

AMENDMENT NO. 3

On page 2, strike in their entirety lines 1 through 3; in line 6, strike “(1)”; strike beginning with “DESCRIBED” in line 7 down through “SECTION” in line 8; strike in their entirety lines 9 through 12, inclusive; after line 12, insert:

“(C) EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, ON OR AFTER JULY 1, 2014:

(1) THE STATE MAY NOT PURCHASE INFANT FORMULA IN CONTAINERS CONTAINING MORE THAN 0.5 PARTS PER BILLION OF BISPHENOL-A; AND

(2) A PERSON MAY NOT MANUFACTURE, KNOWINGLY SELL, OR DISTRIBUTE IN COMMERCE A CONTAINER OF INFANT FORMULA CONTAINING MORE THAN 0.5 PARTS PER BILLION OF BISPHENOL-A.”;

in lines 13, 22, and 24, strike “(c)”, “(d)”, and “(e)”, respectively, and substitute “(D)”, “(E)”, and “(F)”, respectively; in line 13, strike “subsection (b)” and substitute “SUBSECTIONS (B) AND (C)”; in line 14, strike “the least toxic alternative” and substitute “A SAFE AND LEGAL ALTERNATIVE”; in line 24, strike “(1)”; in the same line, strike “2011” and substitute “2012”; in line 25, strike “(1)”; strike in their entirety lines 26 and 27; after line 27, insert:

“(G) IF THE SECRETARY CERTIFIES THAT THE SAFETY CONCERNS FOR BISPHENOL-A ARE RESOLVED BY ADDITIONAL RESEARCH OR IF IMPLEMENTATION OF SUBSECTION (C) OF THIS SECTION WOULD ADVERSELY AFFECT THE HEALTH OR WELL-BEING OF CHILDREN OR ADULTS, THE SECRETARY MAY SUSPEND IMPLEMENTATION OF SUBSECTION (C) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before September 1, 2012, the Department of Health and Mental Hygiene shall report to the House Health and Government Operations Committee and the Senate Finance Committee, in accordance with § 2-1246 of the State Government Article, on the findings of federal research and regulatory activities related to bisphenol-A.

(b) The report required under subsection (a) of this section shall address the availability and safety of substitutes for bisphenol-A used in food containers containing infant formula.”;

in line 28, strike “2.” and substitute “3.”; and in line 29, strike “July” and substitute “June”.