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§24–304.

(a) (1) In this section, “child care article” means an empty bottle or cup to be filled with food or liquid that is designed or intended by a manufacturer to be used by a child under the age of 4 years.

(2) If a federal law regulating the use of bisphenol–A in child care articles is enacted, “child care article” shall be defined as specified in the federal law.

(b) On or after January 1, 2012, a person may not manufacture, knowingly sell, or distribute in commerce any child care article containing bisphenol–A.

(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.

(d) In complying with subsections (b) and (c) of this section, a person:

(1) Shall use a safe and legal alternative when replacing bisphenol–A; and

(2) May not replace bisphenol–A with:

(i) Carcinogens rated by the United States Environmental Protection Agency as Group A, B, or C carcinogens; or

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

(e) A person that violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$10,000 for each violation.

(f) On or before January 1, 2012, the Department shall adopt regulations to carry out subsection (b) of this section.

(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.

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