

HB0004/506080/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 4
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Hubbard” and substitute “Delegates Hubbard, Cullison, A. Kelly, Kipke, Morhaim, Murphy, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Reznik, and V. Turner”; in line 2, after “Containers” insert “of Infant Formula”; 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;”; strike beginning with “cans” in line 3 down through “other” in line 4; in line 4, after “containers” insert “of infant formula”; in the same line, after “bisphenol-A” insert “on or after a certain date”; strike beginning with “if” in line 4 down through “bisphenol-A” in line 7; in line 9, after “date;” insert “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 9, after “containers” insert “of infant formula”; and after line 14, 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,.

AMENDMENT NO. 2

On page 2, strike beginning with “OF” in line 2 down through “A” in line 3; strike beginning with the semicolon in line 3 down through “BISPHENOL-A” in line 8; after line 8, 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 9 and 18, strike “(c)” and “(d)”, respectively, and substitute “**(D)**” and “**(E)**”, respectively; in line 9, strike “subsection (b)” and substitute “**SUBSECTIONS (B) AND (C)**”; and in line 10, strike “the least toxic alternative” and substitute “**A SAFE AND LEGAL ALTERNATIVE**”.

AMENDMENT NO. 3

On page 2, in line 20, strike “(e) **(1)**” and substitute “**(F)**”; in the same line, strike “2011” and substitute “**2012**”; in line 21, strike “**(1) OF**”; strike in their entirety lines 22 through 24, inclusive, and substitute:

“(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.”;

and in line 25, strike “2.” and substitute “3.”.