

HOUSE BILL NO. 172

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES KERTTULA, Kawasaki

Introduced: 2/25/11

Referred: Health and Social Services, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the use of bisphenol-A and certain other substances in baby food
2 containers, infant formula containers, and children's products, including reusable food
3 and beverage containers; adding an unlawful act to the state's unfair trade practices act;
4 and providing for an effective date."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 18.31 is amended by adding a new section to read:

7 **Article 4. Prohibited Substances in Children's Products.**

8 **Sec. 18.31.600. Prohibitions.** (a) A person may not manufacture, sell, offer to
9 sell, or otherwise commercially distribute in the state

10 (1) baby food or infant formula that is contained in a plastic container
11 that contains bisphenol-A or a prohibited substance; or

12 (2) a product, including a toy and a reusable food or beverage
13 container, that is intended to be used by or for a child that is under seven years of age,
14 if the product contains bisphenol-A or a prohibited substance.

1 (b) In (a) of this section,

2 (1) "baby food" means a prepared solid food consisting of a soft paste
3 or an easily chewed food that is intended for consumption by children who are two
4 years of age or younger;

5 (2) "infant formula" means a milk-based or soy-based powder,
6 concentrated liquid, or ready-to-feed substitute for human breast milk that is intended
7 for infant consumption;

8 (3) "prohibited substance" means a substance that is

9 (A) listed in the report on carcinogens issued by the United
10 States Department of Health and Human Services as known to be a human
11 carcinogen or reasonably anticipated to be a human carcinogen;

12 (B) listed on the National Institute for Occupational Safety and
13 Health list of carcinogens as a group 1, 2A, or 2B carcinogenic agent;

14 (C) classified by the International Agency for Research on
15 Cancer of the World Health Organization as a group 1, 2A, or 2B carcinogenic
16 agent; or

17 (D) rated by the United States Environmental Protection
18 Agency as an A, B, or C carcinogen or substance on the agency's list of
19 chemicals evaluated for carcinogenic potential;

20 (4) "reusable food or beverage container" means a receptacle for food
21 or beverages, if the receptacle is not intended for disposal after initial use; in this
22 paragraph, "container" includes a baby bottle and a spill-proof cup.

23 * **Sec. 2.** AS 45.50.471(b) is amended by adding a new paragraph to read:

24 (58) violating AS 18.31.600 (prohibited substances in children's
25 products).

26 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
27 read:

28 **TRANSITION: CURRENT INVENTORY.** (a) Until a date that is six months after the
29 effective date of this Act, a person may continue to sell, offer to sell, or otherwise
30 commercially distribute the person's inventory of baby food or infant formula in containers
31 that violate AS 18.31.600, enacted by sec. 1 of this Act, if the person purchased or otherwise

1 acquired the containers of baby food or infant formula

2 (1) before the effective date of this Act; and

3 (2) in a quantity that was comparable to the quantity of containers that the
4 person purchased or acquired during the six-month period immediately before the effective
5 date of this Act.

6 (b) Until a date that is six months after the effective date of this Act, a person may
7 continue to sell, offer to sell, or otherwise commercially distribute the person's inventory of
8 products that violate AS 18.31.600, enacted by sec. 1 of this Act, if the person purchased or
9 otherwise acquired the children's products

10 (1) before the effective date of this Act; and

11 (2) in a quantity that was comparable to the quantity of products that the
12 person purchased or acquired during the six-month period immediately before the effective
13 date of this Act.

14 (c) In this section, "baby food," "infant formula," and "reusable food or beverage
15 container" have the meanings given in AS 18.31.600, enacted by sec. 1 of this Act.

16 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 REVISOR'S INSTRUCTION. Wherever "chapter" appears in AS 18.31.010 -
19 18.31.500, the revisor of statutes shall substitute "AS 18.31.010 - 18.31.500."

20 * **Sec. 5.** This Act takes effect January 1, 2012.