

SENATE BILL 246

By Marrero

AN ACT to amend Tennessee Code Annotated, Title 47, Chapter 18; Title 53 and Title 68, relative to containers that contain bisphenol A.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 1, Part 1, is amended by adding the following as a new section:

53-1-117.

(a) As used in this section:

(1) "Baby food" means a prepared solid food consisting of a soft paste or an easily chewed food that is intended for consumption by children two (2) years of age or younger and that is commercially available;

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

(3) "Reusable food or beverage container" means a receptacle for storing food or beverages, including baby bottles, spill-proof cups, sports bottles, and thermoses. "Reusable food or beverage container" does not include food or beverage containers intended for disposal after initial usage.

(b) Beginning January 1, 2012, no person or entity shall manufacture, sell, or distribute in commerce in this state any reusable food or beverage container containing bisphenol A.

(c) Beginning January 1, 2012, no person or entity shall manufacture, sell, or distribute in commerce in this state any infant formula or baby food stored in a plastic container, can or jar that contains bisphenol A.

(d) Manufacturers shall use the least toxic alternative when replacing bisphenol A in reusable food and beverage containers.

(e) Manufacturers shall not replace bisphenol with carcinogens rated by the U.S. Environmental Protection Agency (EPA) as A, B, or C carcinogens or substances listed on the EPA's "List of Chemicals Evaluated for Carcinogenic Potential" as known or likely carcinogens, known to be human carcinogens, likely to be human carcinogens, or suggestive of being carcinogens.

(f) Manufacturers shall not replace bisphenol A with reproductive toxicants that the EPA has identified as causing birth defects, reproductive harm, or developmental harm.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.