

AMENDED IN ASSEMBLY AUGUST 7, 2008

AMENDED IN ASSEMBLY JULY 1, 2008

AMENDED IN SENATE MAY 6, 2008

AMENDED IN SENATE APRIL 8, 2008

**SENATE BILL**

**No. 1713**

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**Introduced by Senators Migden and Perata**  
(Principal coauthor: Assembly Member Lieber)  
(Coauthor: Assembly Member Ma)

February 22, 2008

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An act to amend Sections 108937 and 108939 of the Health and Safety Code, relating to product safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 1713, as amended, Migden. Children's products: bisphenol A.

Existing law, commencing January 1, 2009, prohibits the manufacture, sale, or distribution in commerce of certain toys and child care articles, as defined, if those products contain specified types of phthalates in concentrations exceeding  $\frac{1}{10}$  of 1%.

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*Existing law* also requires manufacturers to use the least toxic alternative when replacing phthalates in their products and would prohibit manufacturers from replacing phthalates with certain carcinogens and reproductive toxicants.

The bill would enact the Toxin-Free Toddlers and Babies Act, which would apply the above-described prohibition and least toxic alternative requirements to certain child care articles that contain bisphenol A in detectable levels. The act would prohibit the manufacture, sale, or distribution in commerce of any bottle, cup, or other container that

contains bisphenol A at a level above 0.1 parts per billion (ppb), if the container is designed or intended to be filled with any liquid, food, or beverage primarily for consumption from that container by infants or children 3 years of age or younger. The act would prohibit, commencing January 1, ~~2010~~ 2012, the manufacture, sale, or distribution in commerce of any liquid, food, or beverage in a can, jar, or other container containing bisphenol A, at a level above ~~0.1~~ 0.5 ppb if the liquid, food, or beverage is designed or intended primarily for consumption by infants and children 3 years of age or younger.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known, and may be cited, as the  
2 Toxin-Free Toddlers and Babies Act.

3 SEC. 2. The Legislature finds and declares all of the following:

4 (a) In 2007, the Legislature enacted a law to ban phthalates, a  
5 class of chemicals used in polyvinyl chloride (PVC) plastic to  
6 improve flexibility and in cosmetics to bind fragrance to the  
7 product.

8 (b) That law limited the ban to phthalates in products intended  
9 for use by young children, such as teething toys, and soft plastic  
10 books.

11 (c) There is further evidence that bisphenol A (BPA) also poses  
12 significant health concerns for children.

13 (d) The purpose of this act is to build on the law enacted in 2007  
14 to ensure that children are not exposed to harmful toxins.

15 (e) *The further purpose of this act is to ultimately eliminate*  
16 *bisphenol A (BPA) from containers that contact baby food.*

17 (f) *The detectable level of 0.5 parts per billion (ppb) for infant*  
18 *formula cans and baby food jar lids has been voluntarily achieved*  
19 *by Japanese industry and is therefore a reasonable interim target.*

20 (g) *The level of 0.5 ppb should not be considered a safe level,*  
21 *as there is still evidence in laboratory animal studies of harm from*  
22 *exposure to 0.5 ppb BPA.*

23 SEC. 3. Section 108937 of the Health and Safety Code is  
24 amended to read:

25 108937. (a) No person or entity shall manufacture, sell, or  
26 distribute in commerce any toy or child care article that contains

1 di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or  
2 benzyl butyl phthalate (BBP), in concentrations exceeding 0.1  
3 percent.

4 (b) No person or entity shall manufacture, sell, or distribute in  
5 commerce any toy or child care article intended for use by a child  
6 under three years of age if that product can be placed in the child's  
7 mouth and contains diisononyl phthalate (DINP), diisodecyl  
8 phthalate (DIDP), or di-n-octyl phthalate (DnOP), in concentrations  
9 exceeding 0.1 percent.

10 (c) No person or entity shall manufacture, sell, or distribute in  
11 commerce any bottle, cup, or other container that contains  
12 bisphenol A, at a level above 0.1 parts per billion (ppb), if the  
13 container is designed or intended to be filled with any liquid, food,  
14 or beverage primarily for consumption from that container by  
15 infants or children three years of age or younger.

16 (d) Notwithstanding subdivision (c), commencing January 1,  
17 ~~2010~~ 2012, no person or entity shall manufacture, sell, or distribute  
18 in commerce any liquid, food, or beverage in a can, jar, or other  
19 container containing bisphenol A, at a level above ~~0.1~~ 0.5 parts  
20 per billion (ppb) if the liquid, food, or beverage is designed or  
21 intended primarily for consumption by infants or children three  
22 years of age or younger.

23 (e) *Subdivisions (c) and (d) shall not apply to food and beverage*  
24 *containers designed or intended primarily to contain liquid, food,*  
25 *or beverages for consumption by the general population.*

26 SEC. 4. Section 108939 of the Health and Safety Code is  
27 amended to read:

28 108939. (a) Manufacturers shall use the least toxic alternative  
29 when replacing bisphenol A ~~and in containers and when replacing~~  
30 phthalates in accordance with this chapter.

31 (b) Manufacturers shall not replace bisphenol A and phthalates,  
32 pursuant to this chapter, with carcinogens rated by the United  
33 States Environmental Protection Agency as A, B, or C carcinogens,  
34 or substances listed as known or likely carcinogens, known to be  
35 human carcinogens, likely to be human carcinogens, or suggestive  
36 of being human carcinogens, as described in the "List of Chemicals  
37 Evaluated for Carcinogenic Potential," or known to the state to  
38 cause cancer as listed in the Safe Drinking Water and Toxic  
39 Enforcement Act of 1986 (Chapter 6.6 (commencing with Section  
40 25249.5) of Division 20).

1 (c) Manufacturers shall not replace bisphenol A and phthalates,  
2 pursuant to this chapter, with reproductive toxicants that cause  
3 birth defects, reproductive harm, or developmental harm as  
4 identified by the United States Environmental Protection Agency  
5 or listed in the ~~California Safe Drinking Water Act (Chapter 4~~  
6 ~~(commencing with Section 116270) of Part 12)~~ *Safe Drinking*  
7 *Water and Toxic Enforcement Act of 1986 (Chapter 6.6*  
8 *(commencing with Section 25249.5) of Division 20).*

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