

# MAINE STATE LEGISLATURE

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Date: 6/8/07

L.D. 837  
(Filing No. H-483)

Minority

HEALTH AND HUMAN SERVICES

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
123RD LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 636, L.D. 837, Bill, "An Act To Prevent Infant Exposure to Harmful Hormone-disrupting Substances"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 22 MRSA c. 276 is enacted to read:

CHAPTER 276

CHILD CARE PRODUCTS

§1700-B. Phthalates prohibited in child care products

Beginning January 1, 2010, a person may not manufacture, sell or distribute in commerce a child care product intended for a child under 3 years of age that has been made with or contains di (2-ethylhexyl) phthalate, di butyl phthalate, benzyl butyl phthalate, diisononyl phthalate, diisodecyl phthalate or di-n-octyl phthalate in concentrations exceeding 0.1%.

1. Definition. As used in this chapter, unless the context otherwise indicates, "child care product" means a product designed or intended by the manufacturer to be put in the mouth to facilitate sleep, relaxation or the feeding of a child or to help a child with sucking or teething.

2. Alternatives. A manufacturer of a child care product shall use the least toxic alternative when replacing a prohibited substance under this section in a child care product. In replacing a prohibited substance with the least toxic alternative, a manufacturer may not:

A. Use a substance containing a carcinogen rated by the United States Environmental Protection Agency as an A, B or C carcinogen or a substance listed as a known or likely carcinogen, known to be a human carcinogen, likely to be a human carcinogen or suggestive of being a human carcinogen as described in the "List of

**COMMITTEE AMENDMENT**

R 013

COMMITTEE AMENDMENT "A" to H.P. 636, L.D. 837

1 Chemicals Evaluated for Carcinogenic Potential" published by the United States  
2 Environmental Protection Agency, Office of Pesticide Programs or listed as known to  
3 cause cancer in the California Safe Drinking Water Act, Chapter 4, Part 12 of the  
4 California Health and Safety Code; or

5 B. Use a reproductive toxicant, which is a toxicant that may cause birth defects or  
6 reproductive or developmental harm, as identified by the United States  
7 Environmental Protection Agency or listed in the California Safe Drinking Water  
8 Act, Chapter 4, Part 12 of the California Health and Safety Code.

9 **Sec. 2. Child exposure review and report.** The Department of Health and  
10 Human Services, Maine Center for Disease Control and Prevention shall review infant  
11 exposure to bisphenol A and phthalates and shall submit a report along with any  
12 recommendations to the Joint Standing Committee on Health and Human Services by  
13 December 15, 2008.

14 **Sec. 3. Appropriations and allocations.** The following appropriations and  
15 allocations are made.

16 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

17 **Health - Bureau of 0143**

18 Initiative: Allocates funds on a one-time basis for the costs of reviewing infant exposure  
19 to bisphenol A and phthalates and for preparing and submitting the required report.

20	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2007-08</b>	<b>2008-09</b>
21	Personal Services	\$8,700	\$0
22	All Other	\$75,000	\$0
23			
24	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$83,700</b>	<b>\$0</b>
25			

26 **SUMMARY**

27 This amendment is the minority report of the committee. It replaces the bill. The  
28 amendment narrows the scope of the bill to a ban on the use of phthalates in child care  
29 products intended to be put in the mouth of a child under 3 years of age and requires a  
30 review and report on infant exposure to bisphenol A and phthalates.

FISCAL NOTE REQUIRED  
(See attached)

**COMMITTEE AMENDMENT**



# 123rd MAINE LEGISLATURE

LD 837

LR 2176(02)

## An Act To Prevent Infant Exposure to Harmful Hormone-disrupting Substances

Fiscal Note for Bill as Amended by Committee Amendment "A"  
 Committee: Health and Human Services  
 Fiscal Note Required: Yes

### Fiscal Note

Minor cost increase - General Fund  
 Minor revenue increase - General Fund

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$83,700	\$0	\$0	\$0

### Correctional and Judicial Impact Statements

Establishes a new violation that prohibits the manufacture, sale and distribution of child care products made with specified chemicals.

The collection of additional fines may also increase General Fund revenue by minor amounts.

### Fiscal Detail and Notes

Allocates funds on a one-time basis for the Maine Center for Disease Control and Prevention's costs of reviewing infant exposure to bisphenol A and phthalates and for preparing and submitting the required report. The Department of the Attorney General will incur additional costs to assist with the enforcement of this proposed new violation. These costs will can be absorbed by the Department of the Attorney General utilizing existing budgeted resources.