

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 837

H.P. 636

House of Representatives, February 23, 2007

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

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HINCK of Portland.
Cosponsored by Senator DOW of Lincoln and
Representatives: FAIRCLOTH of Bangor, KOFFMAN of Bar Harbor, MILLER of Somerville,
MOORE of Standish, PERRY of Calais, PINGREE of North Haven, WALCOTT of Lewiston,
Senator: MARTIN of Aroostook.

1 **Be it enacted by the People of the State of Maine as follows:**

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

3 **CHAPTER 276**

4 **TOYS AND CHILD CARE PRODUCTS**

5 **§1700-B. Definitions**

6 As used in this chapter, unless the context otherwise indicates, the following terms
7 have the following meanings.

8 **1. Child care product.** "Child care product" means a product designed or intended
9 by the manufacturer to facilitate sleep, relaxation or the feeding of a child or to help a
10 child with sucking or teething.

11 **2. Toy.** "Toy" means a product designed or intended by the manufacturer to be used
12 by a child at play.

13 **§1700-C. Bisphenol A and phthalates**

14 **1. Prohibition.** A person may not manufacture, sell or distribute in commerce a toy
15 or child care product intended for use by a child under 3 years of age that has been made
16 with or contains:

17 A. Bisphenol A; or

18 B. Di (2-ethylhexyl) phthalate, di butyl phthalate, benzyl butyl phthalate, diisononyl
19 phthalate, diisodecyl phthalate or di-n-octyl phthalate in concentrations exceeding
20 0.1%.

21 **2. Alternatives.** A manufacturer of a toy or child care product shall use the least
22 toxic alternative when replacing a prohibited substance under subsection 1 in a toy or
23 child care product. In replacing a prohibited substance with the least toxic alternative, a
24 manufacturer may not:

25 A. Use a substance containing a carcinogen rated by the United States
26 Environmental Protection Agency as an A, B or C carcinogen or a substance listed as
27 a known or likely carcinogen, known to be a human carcinogen, likely to be a human
28 carcinogen or suggestive of being a human carcinogen as described in the "List of
29 Chemicals Evaluated for Carcinogenic Potential" published by the United States
30 Environmental Protection Agency, Office of Pesticide Programs or listed as known to
31 cause cancer in the California Safe Drinking Water Act, Chapter 4, Part 12 of the
32 California Health and Safety Code; or

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

1 **Sec. 2. Child prevention study.** The Department of Health and Human Services,
2 Maine Center for Disease Control and Prevention shall study ways to eliminate infant
3 exposure to bisphenol A, di (2-ethylhexyl) phthalate, di butyl phthalate, benzyl butyl
4 phthalate, diisononyl phthalate, diisodecyl phthalate and di-n-octyl phthalate and submit
5 its report along with any recommended legislation to the Joint Standing Committee on
6 Health and Human Services by December 15, 2007. The Joint Standing Committee on
7 Health and Human Services may submit a bill related to the report to the Second Regular
8 Session of the 123rd Legislature.

9

SUMMARY

10 This bill prohibits the manufacture, sale and distribution of toys and child care
11 products made with the endocrine-disrupting chemicals bisphenol A or di (2-ethylhexyl)
12 phthalate, di butyl phthalate, benzyl butyl phthalate, diisononyl phthalate, diisodecyl
13 phthalate and di-n-octyl phthalate, requires a manufacturer to replace a prohibited
14 chemical with the least toxic alternative not including a likely carcinogenic substance or
15 substance that may cause birth defects, reproductive or developmental harm and directs
16 the Department of Health and Human Services, Maine Center for Disease Control and
17 Prevention to study ways to eliminate infant exposure to these chemicals and report back
18 to the Legislature by December 15, 2007.