S T A T E O F N E W Y O R K

7661

2011-2012 Regular Sessions

I N A S S E M B L Y

May 12, 2011

Introduced by M. of A. ORTIZ -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to prohibiting the manufacture, distribution and sale of hot beverage lids containing bisphenol-A or phthalates

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general business law is amended by adding a new section 397-b to read as follows:

S 397-B. HOT BEVERAGE LID PRODUCTS; BISPHENOL-A. 1. THE LEGISLATURE HEREBY FINDS THAT BISPHENOL-A, AN ESTROGEN-MIMICKING ENDOCRINE DISRUPTER CHEMICAL, IS USED IN THE PRODUCTION OF EPOXY RESINS AND POLYCARBONATE PLASTICS, AND IS THE MAIN INGREDIENT IN HARD POLYCARBONATE PLASTICS. THESE PLASTICS ARE USED IN MANY FOOD AND DRINK PACKAGING APPLICATIONS, AND THE RESINS ARE COMMONLY USED AS LACQUERS TO COAT METAL PRODUCTS SUCH AS FOOD CANS, BOTTLE TOPS AND WATER SUPPLY PIPES. BISPHENOL-A HAS BEEN SHOWN TO HAVE HORMONE DISRUPTING EFFECTS.

2. NO PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR CORPORATION SHALL MANUFACTURE, DISTRIBUTE, SELL OR OFFER FOR SALE ANY HOT BEVERAGE LID PRODUCTS CONTAINING BISPHENOL-A.

3. EVERY MANUFACTURER OF HOT BEVERAGE LID PRODUCTS PROHIBITED BY THIS SECTION SHALL USE THE LEAST TOXIC ALTERNATIVE TO THE BISPHENOL-A IN THE HOT BEVERAGE LID PRODUCT. SUCH ALTERNATIVE SHALL NOT BE (I) A CARCINOGEN RATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AS A, B OR C CARCINOGENS, OR SUBSTANCES LISTED AS KNOWN OR LIKELY CARCINOGENS, KNOWN TO BE HUMAN CARCINOGENS, LIKELY TO BE HUMAN CARCINOGENS OR SUGGESTIVE OF BEING HUMAN CARCINOGENS, AS DESCRIBED IN THE "LIST OF CHEMICALS EVALUATED FOR CARCINOGEN POTENTIAL"; OR (II) REPRODUCTIVE TOXICANTS THAT CAUSE BIRTH DEFECTS, REPRODUCTIVE HARM OR DEVELOPMENTAL HARM AS IDENTIFIED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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4. ANY PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR CORPORATION WHICH VIOLATES ANY PROVISION OF THIS SECTION SHALL BE LIABLE FOR A CIVIL FINE OF NOT LESS THAN TEN THOUSAND DOLLARS FOR EACH DAY OF SUCH VIOLATION.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.