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Schooley, Bennett  
Sens. Sokola, Bunting, Bushweller, Ennis, Henry,  
Sorenson, Connor & Cloutier, Reps. George, Jaques,  
Carson, J. Johnson, Q. Johnson, Kowalko, Mitchell,  
Keeley, Mulrooney, D. Short

DELAWARE STATE SENATE  
146th GENERAL ASSEMBLY

SENATE BILL NO. 70

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO PROTECTING THE HEALTH OF  
CHILDREN BY PROHIBITING BISPHENOL-A IN PRODUCTS FOR YOUNG CHILDREN.

1 WHEREAS Bisphenol A, commonly known as BPA, is an industrial chemical regularly used in the plastics  
2 industry for the production of items such as baby bottles, water bottles, food storage containers, and metal can liners; and

3 WHEREAS more than two million pounds of Bisphenol A are produced in the United States each year; and

4 WHEREAS the United States Food and Drug Administration has cited concerns about the potential effects of  
5 Bisphenol A on the brain, behavior, and the endocrinal glands of infants and children; and

6 WHEREAS hundreds of scientific studies have linked Bisphenol A to health effects such as miscarriage for  
7 pregnant women, as well as diabetes, obesity and cancer; and

8 WHEREAS infants are potentially sensitive to Bisphenol A exposure because their neurological and endocrine  
9 systems are not fully developed and their ability to detoxify and eliminate Bisphenol A is immature; and

10 WHEREAS the United States Centers for Disease Control and Prevention have found that ninety three percent of  
11 Americans have detectable levels of Bisphenol A in their bodies; and

12 WHEREAS the United States Food and Drug Administration supports reasonable steps to reduce human exposure  
13 to Bisphenol A; and

14 WHEREAS at least five other states have passed legislation to limit the use of Bisphenol A and additional states  
15 have had legislation introduced; and

16 WHEREAS industry leaders have elected to begin phasing out the use of Bisphenol A in the production of baby  
17 and sports bottles;

18 NOW THEREFORE:

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

20 Section 1. Amend Chapter 25, Title 6, Delaware Code by adding a new section to read as follows:

21 “§2509. Products for young children; prohibition of bisphenol-A.

22 (a) No manufacturer may sell or offer for sale in this state a children’s product that contains bisphenol-A.

23 (b) After December 31, 2011, no merchant may sell or offer for sale in this state a children’s product that contains  
24 bisphenol-A.

25 (c) This section shall not apply to the sale of a used children’s product.

26 (d) As used in this section:

27 1. ‘Child’ means a person under four (4) years of age.

28 2. ‘Children’s product’ means an empty bottle or cup capable of being filled with food or liquid that is  
29 designed or intended by a manufacturer to be used by a child.

30 (e) Violation of this section shall be a Class A misdemeanor. The Superior Court shall have exclusive jurisdiction  
31 over violations of this section.”

#### SYNOPSIS

This bill protects the health of young children by prohibiting the chemical bisphenol-A in certain children’s products such as bottles, cups, and other containers used for food or beverages.

Bisphenol-A, or BPA is a chemical used to help harden plastic and is found in many plastic food storage containers. BPA is a known hormone disruptor. Tests have shown that trace amounts leach out of the containers and into foods and liquids. BPA-free products exist.

This legislation is modeled after similar legislation in Minnesota and seven other states.

Author: Senator Hall-Long