

CHAPTER 68
FORMERLY
SENATE BILL NO. 70
AS AMENDED BY
SENATE AMENDMENT NO. 1

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.

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

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

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

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

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

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

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

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

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

NOW THEREFORE:

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

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

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

- (a) No manufacturer may sell or offer for sale in this state a children’s product that contains bisphenol-A.
- (b) After July 1, 2012, no merchant may, knowingly sell or offer for sale in this state a children’s product that contains bisphenol-A.
- (c) This section shall not apply to the sale of a used children’s product or to substances present in, or used in the production or packaging of, any drug, intended for use in humans or animals, as such term is defined in 21 USC §321, that is manufactured or distributed consistent with the requirements of the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act.
- (d) As used in this section:
 1. ‘Child’ means a person under four (4) years of age.
 2. ‘Children’s product’ means an empty bottle or cup designed to be filled with food or liquid that is designed or intended by a manufacturer to be used by a child.
- (e) Violation of this section shall be a Class A misdemeanor. The Superior Court shall have exclusive jurisdiction over violations of this section.”

Approved June 30, 2011