

---

---

# A BILL FOR AN ACT

RELATING TO HEALTH.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that conditions such as  
2 asthma, diseases such as cancer, and developmental disabilities  
3 are linked to exposure to toxic substances. Growing children  
4 are particularly at risk in this regard, as they are  
5 physiologically more susceptible to chemicals. Precautionary  
6 measures must be taken to protect them.

7           Bisphenol A is an industrial chemical that is used in  
8 packaging and plastic bottles. Bisphenol A in plastics and  
9 packaging materials can transfer to liquids and foods, and  
10 additional amounts of bisphenol A are transferred when hot or  
11 boiling foods or liquids come into contact with packaging made  
12 of bisphenol A. Some animal studies have shown that exposure to  
13 bisphenol A may be linked to health problems such as diabetes,  
14 cardiovascular disease, and reproductive disorders.

15           In July 2012, the United States Food and Drug  
16 Administration banned the use of bisphenol A in infant feeding  
17 bottles and spill-proof cups known as sippy cups, including



1 their closures and lids, by amending title 21 Code of Federal  
2 Regulations section 177.1580. This decision was made in  
3 response to a petition that the American Chemistry Council filed  
4 because manufacturers had stopped using bisphenol A in baby  
5 bottles and sippy cups. However, the federal regulation does  
6 not ban the use of bisphenol A in other products such as baby  
7 formula containers. The legislature finds that it is in the  
8 best interest of Hawaii's children to significantly reduce  
9 children's exposure to bisphenol A as early as possible, and  
10 ultimately, eliminate exposure altogether.

11 The purpose of this Act is to promote the health and safety  
12 of children by prohibiting the manufacture, sale, and  
13 distribution of reusable food and drink containers containing  
14 bisphenol A and intended for use by young children.

15 SECTION 2. Chapter 321, Hawaii Revised Statutes, is  
16 amended by adding a new part to be appropriately designated and  
17 to read as follows:

18 "PART . INFANT AND TODDLER SAFETY

19 §321-A Short title. This part shall be known, and may be  
20 cited, as the Toxin-Free Keiki Act.



1           **§321-B Definitions.** As used in this part, unless the  
2 context otherwise requires:

3           "Bisphenol A" refers to an estrogen-mimicking chemical used  
4 in the production of epoxy resins and polycarbonate plastics.

5           "Child care article" means a reusable food or drink  
6 container that is designed and intended by the manufacturer to  
7 be filled with food or liquid and to be used by a child.

8           **§321-C Prohibition of manufacture, sale, or distribution.**

9 Beginning January 1, 2021, no person or entity shall  
10 manufacture, sell, or distribute in the State any child care  
11 article that contains bisphenol A and is intended for use by a  
12 child under three years of age."

13           SECTION 3. In codifying the new sections added by section  
14 2 of this Act, the revisor of statutes shall substitute  
15 appropriate section numbers for the letters used in designating  
16 the new sections in this Act.

17           SECTION 4. This Act shall take effect on July 1, 2019.



**Report Title:**

Toxic Products; Infant and Child Safety; Bisphenol A

**Description:**

Prohibits the manufacture, sale or distribution of reusable drink and food containers intended for use by children under three and containing bisphenol A. (HB139 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

