

House File 2303 - Introduced

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A BILL FOR

1 An Act prohibiting the manufacture of certain goods containing
2 bisphenol A, and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 142E.1 Definitions.

2 1. "*Consumer product*" means the same as defined in 15 U.S.C.
3 § 2052.

4 2. "*Department*" means the department of public health.

5 3. "*Food*" means a raw, cooked, or processed edible
6 substance, ice, water, a beverage, or an ingredient used
7 or intended for use or sale in whole or in part for human
8 consumption, or chewing gum.

9 4. "*Food container*" means a consumer product that is a
10 receptacle designed or intended by the manufacturer to store
11 and retrieve food for later consumption.

12 5. "*Food packaging*" means material or a receptacle that
13 encases food at the point of sale to a consumer, including
14 cans, bottles, or bags, and their linings or coatings.

15 6. "*Food wrap or bag*" means a consumer product that is
16 designed or intended by the manufacturer to preserve or prepare
17 food for consumption at a time later than its sale to the
18 consumer, including a package, lining, film, or sheet.

19 7. "*Manufacture*" means to fabricate, assemble, or package a
20 good in final form for sale, or to affix a brand name to a good
21 in final form for sale.

22 8. "*Manufacturer*" means a person who manufactures a good
23 in this state. In the case of a good that is imported in the
24 United States, "*manufacturer*" means the importer or domestic
25 distributor of the good in final form if the person who would
26 otherwise be considered as a manufacturer or whose brand name
27 is affixed to the good does not have a presence in the United
28 States.

29 9. "*Toxic compound*" means the organic compound bisphenol
30 A (4,4'-Dihydroxy-2,2-diphenylpropane) as classified by the
31 international union of pure and applied chemistry.

32 Sec. 2. NEW SECTION. 142E.2 Determination of consumer
33 products — designed or intended use.

34 In determining whether a consumer product is designed or
35 intended by its manufacturer for a particular use as provided

1 in section 142E.3, all of the following shall be considered:

2 1. A statement by a manufacturer about the consumer
3 product's intended use, including as presented on the consumer
4 product's label, if such statement is reasonable.

5 2. Any representation by a manufacturer in its packaging,
6 display, promotion, or advertising.

7 3. Whether the consumer product is commonly recognized by
8 consumers as being intended for a particular use.

9 Sec. 3. NEW SECTION. 142E.3 Toxic compound — manufacturers
10 — prohibition and penalty.

11 A manufacturer shall not manufacture a consumer product that
12 contains a toxic compound if the consumer product is designed
13 or intended for any of the following uses:

14 1. A food container.

15 2. A good containing food if the packaging contains a toxic
16 compound.

17 3. A food wrap or bag.

18 Sec. 4. NEW SECTION. 142E.4 Penalty.

19 A manufacturer who violates any provision of this chapter is
20 guilty of a simple misdemeanor.

21 Sec. 5. NEW SECTION. 142E.5 Rulemaking.

22 The department shall adopt rules as provided in chapter 17A
23 as necessary to administer this chapter.

24 EXPLANATION

25 This bill prohibits the manufacture and sale of a consumer
26 product containing the organic compound bisphenol A, an
27 industrial chemical used primarily to make polycarbonate
28 plastic and epoxy resins and identified in the bill as a
29 "toxic compound". Specifically, the prohibition applies to
30 manufacturers in this state who manufacture food containers
31 (e.g., water bottles) and food wraps or bags (plastic wraps and
32 freezer bags).

33 The bill includes a provision to be used to determine
34 whether a consumer product is designated or intended for a
35 particular purpose, including statements or representations by

1 the manufacturer and whether consumers generally recognize its
2 particular use.

3 The department of public health is required to adopt rules
4 necessary to administer the bill's provisions.

5 A manufacturer who violates the bill's prohibition is guilty
6 of a simple misdemeanor. A simple misdemeanor is punishable by
7 confinement for no more than 30 days or a fine of at least \$65
8 but not more than \$625 or by both.