

SENATE, No. 1859

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED MAY 19, 2008

Sponsored by:
Senator SHIRLEY K. TURNER
District 15 (Mercer)

SYNOPSIS

The "Toxic-free Beverage Containers Act."

CURRENT VERSION OF TEXT

As introduced.



S1859 TURNER

2

1 **AN ACT** concerning the sale, distribution, and manufacture of
2 certain plastic beverage containers and supplementing P.L.1960,
3 c.39 (C.56:8-1 et seq.).

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. This act shall be known and may be cited as the "Toxic-free
9 Beverage Containers Act."

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11 2. The Legislature finds and declares that: high levels of
12 bisphenol A can have adverse effects on people and that bisphenol
13 A has been shown to have hormone disrupting effects;

14 The Legislature further finds and declares that bisphenol A is
15 used in many plastics that hard reusable plastic beverage containers
16 can leach bisphenol A into beverages; and

17 Therefore determines that bisphenol A is a hazardous substance
18 and it is in the public interest to prohibit the sale, distribution, and
19 manufacturing of hard plastic beverage containers containing
20 bisphenol A.

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22 3. a. No person shall sell, distribute, or manufacture any hard
23 plastic beverage container containing bisphenol A.

24 b. A person shall use the least toxic alternative when replacing
25 bisphenol A hard plastic beverage containers for the purposes of
26 subsection a. of this section and shall not replace bisphenol A with
27 (1) carcinogens rated by the United States Environmental Protection
28 Agency as Group A, B, or C carcinogens, or (2) reproductive
29 toxicants that cause birth defects, reproductive harm, or
30 developmental harm, as identified by the United States
31 Environmental Protection Agency.

32 c. For purposes of this section, "hard plastic beverage
33 container" means a product designed or intended by the
34 manufacturer to be used or reused as a beverage container.

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36 4. It shall be an unlawful practice and a violation of P.L.1960,
37 c.39 (C.56:8-13 et seq.) to violate the provisions of this act.

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39 5. The Director of the Division of Consumer Affairs in the
40 Department of Law and Public Safety, in consultation with the
41 Department of Environmental Protection and the Department of
42 Health and Senior Services, shall adopt, pursuant to the
43 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
44 seq.), rules and regulations necessary to effectuate the purposes of
45 this act.

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47 6. This act shall take effect on January 1, 2010, but the
48 Director of the Division of Consumer Affairs may take such

1 anticipatory action as necessary to effectuate the provisions of this
2 act.

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STATEMENT

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7 This bill, entitled "Toxic-free Beverage Containers Act," makes
8 the sale, distribution, or manufacturing of any hard plastic beverage
9 container an unlawful practice under the consumer fraud act if that
10 beverage container contains bisphenol A (BPA).

11 Under this bill, hard plastic beverage containers sold in the State
12 must be made with the least toxic alternative to BPA, and BPA can
13 not be replaced with (1) carcinogens rated by the United States
14 Environmental Protection Agency (EPA) as Group A, B, or C
15 carcinogens, or (2) reproductive toxicants that cause birth defects,
16 reproductive harm, or developmental harm as identified by the
17 EPA.

18 A person violating this bill would be subject to the New Jersey
19 consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.), and liable for
20 a penalty of up to \$10,000 for the first offense and up to \$20,000 for
21 the second offense and each subsequent offense.

22 In addition, a violation may result in cease and desist orders
23 issued by the Attorney General, and the awarding of treble
24 damages, attorneys' fees and costs of suit to the injured party.