

ASSEMBLY, No. 2064

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 36 (Bergen and Passaic)

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District 37 (Bergen)

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SYNOPSIS

Prohibits sale, offer for sale, or distribution of infant products containing bisphenol A.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 5/5/2021)

1 **AN ACT** concerning infant products made with bisphenol A, and
2 supplementing Title 24 of the Revised Statutes.

3

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

6

7 1. The Legislature finds and declares that bisphenol A, which
8 is found in many products designed for infants and children, is an
9 estrogen-mimicking endocrine disruptor used in the production of
10 epoxy resins and polycarbonate plastics; that it has been shown to
11 have hormone disrupting effects leading to developmental,
12 reproductive, neurological, and immune system health issues; and
13 that the chemical is found to leach out of the products in which it is
14 used.

15 The Legislature further finds and declares that bisphenol A and
16 other chemical phthalates can have adverse effects on health and
17 there is substantial evidence that virtually everyone carries some
18 level of phthalates in their body; and that reusable plastic storage
19 containers and toys, such as baby bottles and polycarbonate plastic
20 thermoses, can leach bisphenol A, leading to restriction of their use
21 in products used by babies and children daily.

22 The Legislature also finds and declares that in a recently
23 published scientific study, levels of bisphenol A were found in
24 teething toys, even those labeled “BPA-free” or “non-toxic,” and
25 that those teething toys, when soaked in water to simulate the toy in
26 the mouth of a baby, leached bisphenol A along with a range of
27 other harmful chemicals from almost every product tested. The
28 Legislature therefore determines that bisphenol A is a hazardous
29 substance and it is in the public interest to prohibit the sale of all
30 products used by infants that are made with or composed in whole
31 or in part of bisphenol A.

32

33 2. Commencing January 1, 2018, no person may sell, offer for
34 sale, or distribute for sale in the State any infant product made with,
35 or composed in whole or in part of, bisphenol A.

36 As used in this section “infant product” means a product,
37 including a toy, teething ring, or play equipment, that is designed or
38 intended solely or primarily for the care of, or use by, a child under
39 three years of age.

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41 3. A retailer may apply to the Department of Health for a
42 waiver from the requirements of section 2 of this act, based on
43 economic hardship, to allow the sale of existing stock only for a
44 period of up to six months beyond January 1, 2018, as determined
45 by the department.

46

47 4. a. A person who violates this act shall be subject to a
48 penalty of not less than \$250 nor more than \$500 for each offense,

1 to be collected by the Department of Health, or any local
2 governmental entity designated by the department, in a civil action
3 by a summary proceeding under the “Penalty Enforcement Law of
4 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.). The municipal court
5 and the Superior Court shall have jurisdiction of proceedings for the
6 enforcement of the penalty provided by this section.

7 If the violation is of a continuing nature, each day during which
8 it continues constitutes an additional, separate, and distinct offense.

9 b. The Department of Health may institute a civil action for
10 injunctive relief to enforce this act and to prohibit and prevent a
11 violation of this act, and the court may proceed in the action in a
12 summary manner.

13
14 5. The Department of Health, in consultation with the
15 Department of Environmental Protection, shall adopt, pursuant to
16 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1
17 et seq.), rules and regulations as are necessary to effectuate the
18 purposes of this act.

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20 6. This act shall take effect immediately.

21
22
23 STATEMENT

24
25 This bill would prohibit the sale, offer for sale, or distribution for
26 sale in the State of any infant product made with, or composed in
27 whole or in part of, bisphenol A.

28 Bisphenol A is an estrogen-mimicking endocrine disruptor used
29 in the production of epoxy resins and polycarbonate plastics. It has
30 been shown to have hormone disrupting effects leading to
31 developmental, reproductive, neurological, and immune system
32 health issues and is found to leach out of the products in which it is
33 used. A recent scientific study examined teething rings, including
34 those labeled “BPA-free” or “nontoxic” by placing the toys in water
35 for an hour, and found that bisphenol A was present in almost every
36 product and leached out into the water from most of the teethers.