

2009 -- H 5038

LC00077

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO HEALTH AND SAFETY - CHILDREN'S PRODUCT SAFETY ACT

Introduced By: Representatives A Rice, Segal, Malik, Giannini, and McNamara

Date Introduced: January 08, 2009

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 23-75 of the General Laws entitled "Children's Product Safety Act"

2 is hereby amended by adding thereto the following section:

3 **23-75-3.1. Toys and child care articles - Prohibitions.** -- (a) For the purpose of this  
4 section:

5 (1) "Child care article" means a product designed or intended by the manufacturer to  
6 facilitate sleep, relaxation, or the feeding of a child or to help a child with sucking or teething;  
7 and

8 (2) "Toy" means a product designed or intended by the manufacturer to be used by a  
9 child when the child plays.

10 (b) On or after January 1, 2010, a person may not manufacture, sell, or distribute in  
11 commerce any toy or child care article:

12 (1) Intended for use by a child under the age of 6 years and containing bisphenol-A; or

13 (2) Which contains diethylhexyl phthalate (DEHP), dibutyl phthalate (DBP), or butyl  
14 benzyl phthalate (BBP) in concentrations exceeding one-tenth of a percent (0.1%); or

15 (3) Intended for use by a child under the age of six (6) years if the toy or child care article  
16 can be placed in the mouth of the child; or

17 (4) Which contains diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or dioctyl  
18 phthalate (DNOP) in concentrations exceeding one-tenth of a percent (0.1%).

19 (c) In complying with this subsection, a person:

- 1           (1) Shall use the least toxic alternative when replacing bisphenol-A and phthalates; and  
2           (2) May not replace bisphenol-A or phthalates with:  
3           (3) Carcinogens rated by the United States environmental protection agency as group A,  
4           B, or C carcinogens; or  
5           (4) Reproductive toxicants that cause birth defects, reproductive harm, or development  
6           harm as identified by the United States environmental protection agency.  
7           (d) Any person that violates any provision of this section is guilty of a misdemeanor, and  
8           upon conviction shall be subject to a fine not exceeding ten thousand dollars (\$10,000) for each  
9           violation.

10           SECTION 2. This act shall take effect upon passage.

=====  
LC00077  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HEALTH AND SAFETY - CHILDREN'S PRODUCT SAFETY ACT

\*\*\*

1           This act would prohibit the manufacturing, sale or distribution of certain toys or child  
2 care articles containing bisphenol-A or certain phtalates; requiring a person to use the least toxic  
3 alternative and prohibiting a person from using certain carcinogens or certain reproductive  
4 toxicants in child care articles and/or toys.

5           This act would take effect upon passage.

=====  
LC00077  
=====