

110TH CONGRESS
2D SESSION

S. 2928

To ban bisphenol A in children’s products.

IN THE SENATE OF THE UNITED STATES

APRIL 29, 2008

Mr. SCHUMER (for himself, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. DURBIN, Mr. KERRY, and Mr. MENENDEZ) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To ban bisphenol A in children’s products.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “BPA-Free Kids Act
5 of 2008”.

6 **SEC. 2. BAN ON BPA IN CHILDREN’S PRODUCTS.**

7 (a) DEFINITIONS.—In this section:

8 (1) CHILDREN’S PRODUCT.—The term “chil-
9 dren’s product” means a consumer product designed
10 for or intended for use by, or care of, a child 7 years
11 of age or younger that is introduced into the inter-

1 state stream of commerce. In determining whether a
 2 product is intended for use by a child 7 years of age
 3 or younger, the following factors shall be considered:

4 (A) A statement by a manufacturer about
 5 the intended use of such product, including a
 6 label on such product, if such statement is rea-
 7 sonable.

8 (B) Whether the product is represented in
 9 its packaging, display, promotion, or advertising
 10 as appropriate for children 7 years of age or
 11 younger.

12 (C) Whether the product is commonly rec-
 13 ognized by consumers as being intended for use
 14 by a child 7 years of age or younger.

15 (D) The Age Determination Guidelines
 16 issued by the Consumer Product Safety Com-
 17 mission in September 2002 and any subsequent
 18 version of such guidelines.

19 (2) CONSUMER PRODUCT.—The term “con-
 20 sumer product” has the meaning given the term in
 21 section 3 of the Consumer Product Safety Act (15
 22 U.S.C. 2052).

23 (b) BAN IN CHILDREN’S PRODUCTS.—Beginning on
 24 the date that is 180 days after the date of enactment of
 25 this Act, any children’s product that contains a detectable

1 amount of bisphenol A (commonly known as “BPA”) shall
2 be treated as a banned hazardous substance under the
3 Federal Hazardous Substances Act (15 U.S.C. 1261 et
4 seq.) and the prohibitions contained in section 4 of such
5 Act shall apply.

6 **SEC. 3. STUDY BY THE CDC.**

7 Not later than 90 days after the date of enactment
8 of this Act, the Director of the Centers for Disease Control
9 and Prevention shall submit a plan to Congress on a study
10 the Director shall conduct on the health effects of
11 bisphenol A exposure in all age groups and in pregnant
12 women.

13 **SEC. 4. NO PREEMPTION OF MORE PROTECTIVE STATE**
14 **LAWS.**

15 Nothing in this Act or section 18(b)(1)(B) of the
16 Federal Hazardous Substances Act (15 U.S.C. 1261 note)
17 shall affect the authority of any State or political subdivi-
18 sion of a State to establish or continue in effect a provision
19 of the law of a State or political subdivision of a State
20 relating to regulation of products containing bisphenol A,
21 except to the extent that such provision of law is incon-
22 sistent with the provisions of this Act, and then only to
23 the extent of such inconsistency. A provision of the law
24 of a State or political subdivision of a State is not incon-
25 sistent with this Act if such provision provides equal or

- 1 greater protection to consumers than what is provided
- 2 under this Act.

