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# A BILL FOR AN ACT

RELATING TO PHTHALATES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that there is extensive  
2 scientific literature reporting the hormone-disrupting effects  
3 of phthalates and substantial evidence that levels of phthalates  
4 of concern are found in humans at levels associated with adverse  
5 effects. Population studies show that virtually everyone  
6 carries some level of phthalates in their body. For the general  
7 population, the oral route of exposure is considered a major  
8 route.

9           The purpose of this Act is to prohibit the manufacture,  
10 sale, or distribution of certain toys and child care articles,  
11 as defined, if those products contain types of phthalates in  
12 concentrations exceeding 0.1 per cent and to require  
13 manufacturers to use the least toxic alternative when replacing  
14 phthalates.

15           SECTION 2. The Hawaii Revised Statutes is amended by  
16 adding a new chapter to be appropriately designated and to read  
17 as follows:



1 "CHAPTER

2 PHTHALATES

3 § -1 **Definitions.** As used in this chapter:

4 "Child care article" means any product designed or intended  
5 by the manufacturer to facilitate sleep, relaxation, or the  
6 feeding of children under the age of three or to help children  
7 under the age of three with sucking or teething.

8 "Phthalates" means the group of chemical compounds mainly  
9 used in polyvinyl chloride plastic to improve flexibility in  
10 many products intended for use by infants and young children,  
11 including teethers, toys, and soft plastic books and other toys  
12 and child care cuticles.

13 "Toy" means any product designed or intended by the  
14 manufacturer to be used by a child at play.

15 § -2 **Prohibition of manufacture, sale, or distribution.**

16 Beginning January 1, 2009, no person or entity shall  
17 manufacture, sell, or distribute in commerce any toy or child  
18 care article that:

- 19 (1) Contains di-2-ethyl hexyl phthalate (DEHP), dibutyl  
20 phthalate (DBP), or butyl benzyl phthalate (BBP) in  
21 concentrations exceeding 0.1 per cent; or



1           (2) Is intended for use by a child under three years of  
2           age if that product can be placed in the child's mouth  
3           and contains diisononyl phthalate (DINP), diisodecyl  
4           phthalate (DIDP), or di-n-octyl phthalate (DnOP) in  
5           concentrations exceeding 0.1 per cent.

6           §   -3 **Alternatives to phthalates.** (a) Manufacturers  
7           shall use the least toxic alternative when replacing phthalates  
8           in accordance with this chapter.

9           (b) Pursuant to this chapter, manufacturers shall not  
10          replace phthalates with:

11          (1) Any carcinogen rated by the United States  
12          Environmental Protection Agency as an A, B, or C  
13          carcinogen, or any substance listed as a known or  
14          likely carcinogen, known to be a human carcinogen,  
15          likely to be a human carcinogen, or suggestive of  
16          being a human carcinogen, as described in the United  
17          States Environmental Protection Agency's List of  
18          Chemicals Evaluated for Carcinogenic Potential; or

19          (2) Any reproductive toxicant identified by the United  
20          States Environmental Protection Agency as a cause of  
21          birth defects, reproductive harm, or developmental  
22          harm."



1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

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**Report Title:**

Phthalates; Infant and Child Safety

**Description:**

Prohibits the manufacturing, sale, or distribution of toys and child care articles containing phthalates and requires manufacturers to use the least toxic alternative.

