

JAN 17 2014

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . INFANT AND TODDLER SAFETY**

5 **§321- Definitions.** As used in this part, unless the
6 context otherwise requires:

7 "Bisphenol-A" refers to an estrogen-mimicking endocrine
8 disrupter chemical used in the production of epoxy resins and
9 polycarbonate plastics.

10 "Child care article" means all products designed or
11 intended by a manufacturer to facilitate sleep, relaxation, or
12 the feeding of children or to help children with sucking or
13 teething.

14 "Phthalates" and "phthalate esters" refers to a group of
15 chemical compounds that are used mainly to plasticize food
16 containers, plastic wrap, toys, shampoos, perfumes, and beauty
17 products.



1 "Toy" means a product designed or intended by a
2 manufacturer to be used by children for recreational purposes.

3 **§321- Prohibition of manufacture, sale, or distribution**
4 **of certain toys and child care articles.** Beginning January 1,
5 2015, no person or legal entity shall manufacture, sell, or
6 distribute any toy or child care article that is:

7 (1) Intended for use by a child under three years of age
8 and contains bisphenol-A;

9 (2) Contains di-2-ethyl hexyl phthalate, di-n-butyl
10 phthalate, or butyl benzyl phthalate in concentrations
11 exceeding 0.1 per cent; or

12 (3) Intended for use by a child under three years of age,
13 is small enough to be placed in a child's mouth, and
14 contains diisononyl phthalate, diisodecyl phthalate,
15 or di-n-octyl phthalate in concentrations exceeding
16 0.1 per cent.

17 **§321- Alternatives to bisphenol-A and phthalates.**

18 Manufacturers shall use the least toxic alternative when
19 replacing bisphenol-A and phthalates in accordance with this
20 part. Manufacturers shall not replace bisphenol-A and
21 phthalates, pursuant to this part, with either:



1 (1) Carcinogens rated as A, B, or C by the United States
2 Environmental Protection Agency's list of chemicals
3 evaluated for carcinogenic potential; or

4 (2) Reproductive toxicants that cause birth defects,
5 reproductive harm, or developmental harm as identified
6 by the United States Environmental Protection Agency."

7 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 "§321- Packages and packaging containing metals. (a)
11 Beginning January 1, 2015, no person or legal entity shall
12 manufacture, sell, or distribute any package or packaging
13 containing levels of lead, cadmium, mercury, and hexavalent
14 chromium present in excess of one hundred parts per million by
15 weight.

16 (b) This section shall apply only to lead, cadmium,
17 mercury, and hexavalent chromium that has been intentionally
18 introduced as an element during manufacturing or distribution.

19 (c) As used in this section:

20 "Package" means the immediate container or wrapping in
21 which any substance or item is contained for sale or use in the
22 State.



1 "Packaging" means any material used to surround, brace,
2 cushion, coat, or hold any substance or item for use or sale in
3 the State."

4 SECTION 3. Chapter 323F, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§323F- Procurement of vinyl intravenous solution bags
8 and tubing prohibited. (a) Beginning January 1, 2015, the
9 corporation shall not purchase or use any vinyl intravenous
10 solution bags or vinyl tubing for use in any health care
11 application.

12 (b) As used in this section:

13 "Vinyl intravenous solution bags" means intravenous
14 solution bags containing any amount of polyvinyl chloride
15 plastic for use in health care.

16 "Vinyl tubing" means tubing containing any amount of
17 polyvinyl chloride plastic for use in health care."

18 SECTION 4. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.

21 SECTION 5. New statutory material is underscored.

22



1 SECTION 6. This Act shall take effect upon its approval.

2

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Report Title:

Health; Children; Toxic Substances; Bisphenol-A; Phthalates;
Packaging; Metals; Vinyl Intravenous Solution Bags; Vinyl
Tubing; Hawaii Health Systems Corporation

Description:

Prohibits the manufacture, sale, or distribution of child care products and toys for young children that contain bisphenol-A or phthalates beginning 1/1/2015. Requires manufacturers to choose safe alternatives. Prohibits the use of packages and packaging containing lead, cadmium, mercury, and hexavalent chromium beginning 1/1/2015. Prohibits the Hawaii health systems corporation from purchasing and using vinyl intravenous solution bags and vinyl tubing beginning 1/1/2015.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

