

Department of Planning and Budget

2011 Fiscal Impact Statement

1. Bill Number: SB1449

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Barker

3. Committee: Education and Health

4. Title: Sale of certain products containing Bisphenol A prohibited.

5. Summary: SB 1449 prohibits the sale of child-care products containing Bisphenol A in the Commonwealth. A 'child-care product' means a consumer product designed or intended primarily for children three years of age or younger. The Office of the Attorney General is charged with enforcing this chapter. Any subsequent civil penalties are deposited to the Literary Fund.

6. Budget Amendment Necessary: Yes, Item 60, of HB 1500 and SB 800, the 2011 Budget Bill

7. Fiscal Impact Estimates: Final

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2012	\$58,950	0.50	General
2013	\$58,950	0.50	General
2014	\$58,950	0.50	General
2015	\$58,950	0.50	General
2016	\$58,950	0.50	General
2017	\$58,950	0.50	General

8. Fiscal Implications:

The Office of the Attorney General (OAG) reports that if the industry stops putting the product in infant bottles and containers, there will not be a fiscal impact. However, if that is not the case, the office will have an enforcement role to perform. The OAG calculates the enforcement will require one-half of a position and \$58,950 each year from the general fund.

The OAG bases the expected impact on two things: (1) the statute will expand its enforcement authority into a new consumer product realm; and (2) because the statute is not enforceable through the Virginia Consumer Protection Act; the other entities that enforce that statute, including the Commonwealth's Attorneys; and city, county, and town attorneys, do

not have enforcement authority. The OAG anticipates it may also receive referrals from the Office of Consumer Affairs.

The OAG further explains that unless product testing is done elsewhere, there also may be some need to use Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund monies for purposes to product testing to determine whether particular products actually contain this chemical component. The fund is replenished through fees, penalties, and recoveries acquired through litigation. The fund has sufficient appropriation authority to receive revenue and pay expenses at the present time.

9. Specific Agency or Political Subdivisions Affected:

Office of the Attorney General

10. Technical Amendment Necessary: No

11. Other Comments: None

Date: 2/2/2011