

20101239D

**HOUSE BILL NO. 640**

Offered January 8, 2020

Prefiled January 6, 2020

A *BILL to amend the Code of Virginia by adding in Title 3.2 a subtitle numbered VI, containing a chapter numbered 66, consisting of sections numbered 3.2-6600, 3.2-6601, and 3.2-6602, relating to bisphenol A in liquid containers; prohibition; regulations; civil penalty.*

Patron—Samirah

Referred to Committee on Agriculture, Chesapeake and Natural Resources

**Be it enacted by the General Assembly of Virginia:**

1. That the Code of Virginia is amended by adding in Title 3.2 a subtitle numbered VI, containing a chapter numbered 66, consisting of sections numbered 3.2-6600, 3.2-6601, and 3.2-6602 as follows:

SUBTITLE VI.  
PRODUCT SAFETY.  
CHAPTER 66.

PRODUCTS CONTAINING CERTAIN CHEMICALS.

**§ 3.2-6600. Liquid containers containing bisphenol A; penalty.**

A. As used in this section:

"Bisphenol A" or "BPA" means the industrial chemical used primarily in the manufacture of polycarbonate plastic and epoxy resins.

"Liquid container" means a receptacle intended for the storage of liquid food or beverages, including a baby bottle, spill-proof cup, sports bottle, thermos, commercial water cooler jug, or liquid food or beverage container intended for disposal after initial usage.

B. Beginning July 1, 2023, no person shall manufacture, sell, or distribute in commerce in the Commonwealth any liquid container containing BPA.

C. Any manufacturer replacing BPA with another chemical pursuant to this section shall use the least toxic alternative chemical. No manufacturer shall replace BPA, pursuant to this section, with (i) a carcinogen rated by the U.S. Environmental Protection Agency (EPA) as an A, B, or C carcinogen; (ii) a substance listed as known or likely a carcinogen, known to be a human carcinogen, likely to be a human carcinogen, or suggestive of being a carcinogen on the EPA's "List of Chemicals Evaluated for Carcinogenic Potential"; or (iii) a reproductive toxicant that EPA has identified as causing birth defects, reproductive harm, or developmental harm.

D. Any manufacturer that violates any provision of this section shall be subject to a civil penalty not to exceed \$5,000 for each violation in the case of a first offense. A second or subsequent violation shall subject the manufacturer to a civil penalty not to exceed \$10,000 for each repeat offense. Penalties collected under this section shall be deposited in the Virginia Product Safety Fund created in § 3.2-6601.

**§ 3.2-6601. Virginia Product Safety Fund.**

There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Product Safety Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All penalties collected pursuant to this chapter shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of increasing the safety of consumer products in the Commonwealth, including by funding research grants and supporting the product-safety education activities of the Board. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner.

**§ 3.2-6602. Regulations.**

The Board shall adopt regulations to carry out the provisions of this chapter. Such regulations may include penalties for the violation of any provision of this chapter.

INTRODUCED

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