

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

354S0705

HOUSE BILL NO. 1254

Introduced by: Representatives Feinstein, Blake, Feickert, Gibson, Kirkeby, and Kloucek and
Senators Buhl, Adelstein, Cutler, and Sutton

1 FOR AN ACT ENTITLED, An Act to prohibit the use of bisphenol A and cadmium in certain
2 products.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Terms used in this Act mean:

- 5 (1) "Baby food," a prepared solid food consisting of a soft paste or an easily chewed food
6 that is intended for consumption by children two years of age or younger and that is
7 commercially available;
- 8 (2) "Cadmium," elemental cadmium and any compound or alloy that contains cadmium;
- 9 (3) "Children's product," any consumer product, and any component of a consumer
10 product, designed or intended primarily for children under the age of twelve,
11 including jewelry, clothing, accessories, decorative objects, backpacks, candy, food,
12 dietary supplements or other edible or chewable items, toys, furniture, or other
13 articles used or intended to be used by children;
- 14 (4) "Infant formula," a milk-based or soy-based powder, concentrated liquid, or ready-to-
15 feed substitute for human breast milk that is intended for infant consumption and that



1 is commercially available; and

2 (5) "Reusable food or beverage container," a receptacle for storing food or beverages,
3 including baby bottles, spill-proof cups, sports bottles, and thermoses. The term does
4 not include food or beverage containers intended for disposal after initial usage.

5 Section 2. Beginning July 1, 2012, no person or entity may manufacture, sell, offer for sale,
6 or distribute in commerce in this state any children's product that contains cadmium at more
7 than four thousandths (0.004) of one percent by weight.

8 Section 3. Beginning July 1, 2012, no person or entity may manufacture, sell, offer for sale,
9 or distribute in commerce in this state any reusable food or beverage container that contains
10 bisphenol A.

11 Section 4. Beginning July 1, 2012, no person or entity may manufacture, sell, offer for sale,
12 or distribute in commerce in this state any infant formula or baby food stored in a plastic
13 container, can, or jar that contains bisphenol A.

14 Section 5. Manufacturers shall use the least toxic alternative when replacing bisphenol A.
15 Manufacturers may not replace bisphenol A with carcinogens rated by the United States
16 Environmental Protection Agency (EPA) as A, B, or C carcinogens or substances listed on
17 EPA's List of Chemicals Evaluated for Carcinogenic Potential, as amended to January 1, 2011,
18 as known or likely carcinogens, known to be human carcinogens, likely to be human
19 carcinogens, or suggestive of being human carcinogens. Manufacturers may not replace
20 bisphenol A with reproductive toxicants that EPA has identified as causing birth defects,
21 reproductive harm, or developmental harm.