

House Bill 431

By: Representatives Holcomb of the 82nd, Buckner of the 130th, Rogers of the 26th, Parent of the 81st, Manning of the 32nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to standards, labeling, and adulteration of food, so as
3 to prohibit the manufacture, sale, or distribution of certain food containers or products in
4 containers which contain bisphenol-A; to provide for related matters; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to
9 general provisions relative to standards, labeling, and adulteration of food, is amended by
10 adding a new Code section to read as follows:

11 "26-2-5.

12 (a) As used in this Code section, the term:

13 (1) 'Baby food' means a prepared solid food consisting of a soft paste or an easily chewed
14 food that is intended for consumption by children two years of age or younger and that
15 is commercially available.

16 (2) 'Infant formula' means a milk-based or soy-based powder, concentrated liquid, or
17 ready-to-feed substitute for human breast milk that is intended for infant consumption and
18 that is commercially available.

19 (3) 'Reusable food or beverage container' means a receptacle for storing food or
20 beverages, including baby bottles, spill-proof cups, or any containers made for children.
21 The term does not include food or beverage containers intended for disposal after initial
22 usage.

23 (b) Beginning January 1, 2012, no person or entity shall manufacture, sell, or distribute in
24 commerce in this state any reusable food or beverage container containing bisphenol-A.

25 (c) Beginning January 1, 2012, no person or entity shall manufacture, sell, or distribute in
26 commerce in this state any infant formula or baby food stored in a plastic container, can,
27 or jar that contains bisphenol-A.

28 (d) In complying with subsections (b) and (c) of this Code section, a person or entity:

29 (1) Shall use the least toxic alternative when replacing bisphenol-A; and

30 (2) May not replace bisphenol-A with:

31 (A) Carcinogens rated by the United States Environmental Protection Agency (EPA)
32 as A, B, or C carcinogens or substances listed on such agency's 'List of Chemicals
33 Evaluated for Carcinogenic Potential' as known or likely carcinogens, known to be
34 human carcinogens, likely to be human carcinogens, or suggestive of being
35 carcinogens; or

36 (B) Reproductive toxicants that the United States Environmental Protection Agency
37 (EPA) has identified as causing birth defects, reproductive harm, or developmental
38 harm."

39 **SECTION 2.**

40 All laws and parts of laws in conflict with this Act are repealed.