

Amendment No. 472

Assembly Amendment to Assembly Bill No. 354

(BDR 52-789)

Proposed by: Assembly Committee on Commerce and Labor**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

SRT/DY



Date: 4/17/2013

A.B. No. 354—Prohibits the use of certain chemicals in various consumer products.
(BDR 52-789)



ASSEMBLY BILL NO. 354—ASSEMBLYMEN DIAZ,
BOBZIEN; PIERCE AND SWANK

MARCH 18, 2013

Referred to Committee on Commerce and Labor

SUMMARY—Prohibits the ~~use of~~ manufacture, sale or distribution of certain ~~chemicals in various~~ consumer products ~~that~~ that contain or come in direct physical contact with Bisphenol A. (BDR 52-789)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to consumer protection; prohibiting the ~~use of~~ manufacture, sale or distribution of certain consumer products that contain or come in direct physical contact with Bisphenol A (BPA) ~~; in certain products, prohibiting the use of toxic flame retardants in any children's product or residential furniture; requiring the Health Division of the Department of Health and Human Services to identify a list of harmful chemicals; providing a penalty;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Section 10 of this bill prohibits the manufacturing of certain products which contain Bisphenol A (BPA). Section 11 of this bill prohibits a manufacturer from replacing BPA with certain other substances. Section 12 of this bill requires the Commissioner of Food and Drugs to create a process whereby residents of this State can petition for the addition of a chemical to the list of prohibited replacement substances. Section 13 of this bill requires that food packaging containing BPA be labeled as such. Section 14 of this bill requires a manufacturer to identify on its Internet website the chemical identity of certain substances used in canned food.~~

~~Sections 23 and 24 of this bill prohibit a manufacturer, wholesaler or retailer from selling any children's product or residential furniture containing certain prohibited substances. Section 25 of this bill requires manufacturers of products containing such prohibited substances to notify sellers of the products not less than 90 days before the effective date of the restriction of the chemical. Section 26 of this bill provides a civil penalty for a violation of sections 23 and 24.~~

~~Section 26 of this bill requires the Health Division of the Department of Health and Human Services to create a list of not less than 50 and not more than 100 chemicals of high concern which are chemicals that have been identified as toxic, carcinogenic or harmful to the human body. Section 27 of this bill authorizes the Health Division to participate in an interstate clearinghouse to promote the use of safer chemicals in consumer products.~~

This bill prohibits the manufacture, sale or distribution of: (1) certain bottles and cups which contain intentionally added Bisphenol A (BPA) and are intended primarily

for use by certain children; and (2) baby food and infant formula stored in any container which contains intentionally added BPA.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 39 of this bill and replace with the following new sections 1 through 4:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. A person shall not knowingly manufacture, sell or distribute in this State any bottle or cup which contains intentionally added Bisphenol A if the bottle or cup is designed or intended to be filled with any liquid or food intended primarily for consumption directly from the bottle or cup by a child who is less than 4 years of age.

Sec. 3. 1. A person shall not knowingly manufacture, sell or distribute in this State any baby food or infant formula stored in a container which contains intentionally added Bisphenol A.

2. As used in this section:

(a) "Baby food" means any prepared solid food consisting of a soft paste or is otherwise easily chewed and is intended primarily for consumption by a child who is less than 4 years of age and is commercially available.

(b) "Container" means any receptacle, including, without limitation, a box, can, jar, or a lid, that comes in direct physical contact with baby food or infant formula.

(c) "Infant formula" means any liquid or powder that purports or is represented to be for special dietary use solely as a food for infants by nature of its simulation of human milk or its suitability as a complete or partial substitute for human milk.

Sec. 4. 1. This section and sections 1 and 2 of this act become effective on January 1, 2014.

2. Section 3 of this act becomes effective on July 1, 2014.