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S.261

Introduced by Senator Lyons of Chittenden District and Senator Racine
of Chittenden District

Referred to Committee on

Date:

Subject: Health; public health; children; toxic substances

Statement of purpose: This bill proposes to prohibit the use of phthalates in toys
and baby products.

**AN ACT RELATING TO PHTHALATES IN PRODUCTS FOR YOUNG
CHILDREN**

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 18 V.S.A. § 1511 is added to read:

§ 1511. PHTHALATES

(a) As used in this section:

(1) “Child care article” means any product designed or intended by the manufacturer to facilitate sleep, relaxation, or the feeding of children, or to help children with sucking or teething.

(2) “Phthalate” means any one of a group of chemicals used as plasticizers to provide flexibility and durability to plastics such as polyvinyl chloride (PVC).

(3) “Toy” means any product designed or intended by the manufacturer to be used by children when they play.

(b) Beginning January 1, 2009, no person or entity shall manufacture, sell, or distribute in commerce any toy or child care article that contains di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP), in concentrations exceeding 0.1 percent.

(c) Beginning January 1, 2009, no person or entity shall manufacture, sell, or distribute in commerce any toy or child care article intended for use by a child under three years of age if that product can be placed in the child’s mouth and contains diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or

di-n-octyl phthalate (DnOP), in concentrations exceeding 0.1 percent.

(d) Manufacturers shall use the least toxic alternative when replacing phthalates in accordance with this section.

(e) Manufacturers shall not replace phthalates, pursuant to this section, with carcinogens rated by the U.S. Environmental Protection Agency (EPA) as A, B, or C carcinogens or substances listed on the EPA's "List of Chemicals Evaluated for Carcinogenic Potential" as known or likely carcinogens, known to be human carcinogens, likely to be human carcinogens, or suggestive of being carcinogens.

(f) Manufacturers shall not replace phthalates, pursuant to this section, with reproductive toxicants that the EPA has identified as causing birth defects, reproductive harm, or developmental harm.

(g) A person or entity that violates this section shall be fined not more than \$10,000.00 for each violation.

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