

2016 Regular Session

SENATE BILL NO. 284

BY SENATOR HEWITT

COMMERCIAL REGULATIONS. Prohibits the sale of infant formula or baby food that is stored in plastic containers, jars, or cans that contain bisphenol-A. (8/1/16)

AN ACT

To amend and reenact R.S. 46:2702 and 2703, and to enact R.S. 46:2704(A)(4), relative to the Children's Product Safety Act; to provide for definitions; to prohibit the sale of certain unsafe children's products; to provide criteria for unsafe children's products; to provide terms, conditions, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:2702 and 2703 are hereby amended and reenacted and R.S. 46:2704(A)(4) is hereby enacted to read as follows:

§2702. Definitions

For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them in this Section:

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

(2) "Child" means an individual who has not reached the age of eighteen years or otherwise been legally emancipated.

~~(2)~~(3) "Child care facility" means a facility as defined in R.S. 46:1403(B) or

1 a family child day care home or a group child day care home as defined in R.S.
2 46:1441.1.

3 ~~(3)~~**(4)** "Children's product" means a product, including but not limited to a
4 full-size crib, non-full-size crib, toddler bed, bed, car seat, chair, high chair, booster
5 chair, hook-on chair, bath seat, gate or other enclosure for confining a child, play
6 yard, stationary activity center, carrier, stroller, walker, or infant swing that is
7 designed or intended to come into contact with the child while the product is used.

8 **"Children's product" shall also mean infant formula or baby food.**

9 Notwithstanding any other provision of this Section, a product is not a "children's
10 product" for purposes of this Chapter if either of the following applies:

11 (a) It may be used by or for the care of a child under six years old, but it is
12 designed or intended for use by the general population or segments of the general
13 population and not solely or primarily for use by a child or for the care of a child.

14 (b) It is a medication, drug, or food, **except infant formula or baby food,**
15 or is intended to be ingested.

16 ~~(4)~~**(5)** "Commercial user" means a person who deals in children's products
17 or who holds himself out as having knowledge or skill relating to children's products,
18 or a person who is in the business of remanufacturing, retrofitting, selling, leasing,
19 subletting, or otherwise placing in the stream of commerce children's products.

20 ~~(5)~~**(6)** "Consumer protection section" means the office of the attorney
21 general, public protection division, consumer protection section.

22 ~~(6)~~**(7)** "Crib" means a bed or containment designed to accommodate an
23 infant.

24 ~~(7)~~**(8)** "Department" means the department responsible for issuing licenses
25 or certificates of registration for child care facilities, as defined in this Section.

26 ~~(8)~~**(9)** "Full-size crib" means a full-size crib as defined in 16 C.F.R. 1508.3,
27 regarding the requirements for full-size cribs.

28 **(10)"Infant formula" means a milk-based or soy-based powder,**
29 **concentrated liquid or ready-to-feed substitute for human breast milk, that is**

intended for infant consumption and is commercially available.

~~(9)~~**(11)** "Non-full-size crib" means a non-full-size crib as defined in 16 C.F.R. 1509.2, regarding the requirements for non-full-size cribs.

~~(10)~~**(12)** "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

§2703. Sale of unsafe children's products prohibited

A. A commercial user shall not remanufacture, retrofit, sell, contract to sell or resell, lease, sublet, or otherwise place in the stream of commerce, on or after January 1, 2002, an unsafe children's product.

B. A commercial user shall not sell, contract to sell or resell, or otherwise place in the stream of commerce, on or after August 1, 2017, infant formula or baby food that is stored in a plastic container, jar, or can that contains bisphenol-A.

§2704. Unsafe children's product defined

A. A children's product is unsafe for purposes of this Chapter if it meets one or more of the following criteria:

* * *

(4) The children's product is infant formula or baby food that is stored in a plastic container, jar, or can that contains bisphenol-A.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by J. W. Wiley.

	DIGEST	
SB 284 Original	2016 Regular Session	Hewitt

Present law provides for definitions.

Proposed law adds the definitions for "infant formula" and "baby food".

Present law prohibits the sale of certain unsafe children's products after Jan. 1, 2002.

Proposed law retains present law and further prohibits on or after Aug. 1, 2017, the sale of infant formula or baby food that is stored in a plastic container, jar, or can that contains bisphenol-A.

Present law provides the criteria for unsafe children's products.

Proposed law retains present law and adds infant formula or baby food that is stored in a plastic container, jar, or can that contains bisphenol-A to the list of unsafe children's products.

Effective August 1, 2016.

(Amends R.S. 46:2702 and 2703; adds R.S. 46:2704(A)(4))