

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

‘**Sec. 1. 22 MRSA c. 276** is enacted to read:

CHAPTER 276

CHILD CARE PRODUCTS

§ 1700-B. Phthalates prohibited in child care products

Beginning January 1, 2010, a person may not manufacture, sell or distribute in commerce a child care product intended for a child under 3 years of age that has been made with or contains di (2-ethylhexyl) phthalate, di butyl phthalate, benzyl butyl phthalate, diisononyl phthalate, diisodecyl phthalate or di-n-octyl phthalate in concentrations exceeding 0.1%.

1. Definition. As used in this chapter, unless the context otherwise indicates, "child care product" means a product designed or intended by the manufacturer to be put in the mouth to facilitate sleep, relaxation or the feeding of a child or to help a child with sucking or teething.

2. Alternatives. A manufacturer of a child care product shall use the least toxic alternative when replacing a prohibited substance under this section in a child care product. In replacing a prohibited substance with the least toxic alternative, a manufacturer may not:

A. Use a substance containing a carcinogen rated by the United States Environmental Protection Agency as an A, B or C carcinogen or a substance listed as a known or likely carcinogen, known to be a human carcinogen, likely to be a human carcinogen or suggestive of being a human carcinogen as described in the "List of Chemicals Evaluated for Carcinogenic Potential" published by the United States Environmental Protection Agency, Office of Pesticide Programs or listed as known to cause cancer in the California Safe Drinking Water Act, Chapter 4, Part 12 of the California Health and Safety Code; or

B. Use a reproductive toxicant, which is a toxicant that may cause birth defects or reproductive or developmental harm, as identified by the United States Environmental Protection Agency or listed in the California Safe Drinking Water Act, Chapter 4, Part 12 of the California Health and Safety Code.

Sec. 2. Child exposure review and report. The Department of Health and Human Services, Maine Center for Disease Control and Prevention shall review infant exposure to bisphenol A and phthalates and shall submit a report along with any recommendations to the Joint Standing Committee on Health and Human Services by December 15, 2008.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Health - Bureau of 0143

Initiative: Allocates funds on a one-time basis for the costs of reviewing infant exposure to bisphenol A and phthalates and for preparing and submitting the required report.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$8,700	\$0
All Other	\$75,000	\$0
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$83,700	\$0

,

SUMMARY

This amendment is the minority report of the committee. It replaces the bill. The amendment narrows the scope of the bill to a ban on the use of phthalates in child care products intended to be put in the mouth of a child under 3 years of age and requires a review and report on infant exposure to bisphenol A and phthalates.