

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 696

Introduced by Haar, 21.
Read first time January 08, 2014
Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to public health; to prohibit the use of
2 Bisphenol A or similar substances in food or beverage
3 containers or packaging and to require labeling of food
4 or beverage containers or packaging containing Bisphenol
5 A as prescribed; to define terms; and to provide a civil
6 penalty.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) For purposes of this section:

2 (a) Children means natural persons twelve years of age or
3 younger;

4 (b) Food packaging means a container or wrapper intended
5 for food contact used to store food and foodstuffs for sale; and

6 (c) Reusable food or beverage container means a
7 receptacle for storing food or beverages, including, but not limited
8 to, spill-proof cups, sports bottles, and thermoses. The term does
9 not include food or beverage containers intended for disposal after
10 initial usage.

11 (2) Beginning January 1, 2015, no person or entity shall
12 manufacture, sell, or distribute in commerce in this state any
13 reusable food or beverage container containing Bisphenol A.

14 (3) Beginning January 1, 2016, no person or entity shall
15 manufacture, sell, or distribute in commerce in this state any food
16 stored in food packaging that contains Bisphenol A when the food is
17 marketed to or intended for children.

18 (4) No person or entity manufacturing any reusable food
19 or beverage container or food packaging shall replace Bisphenol A
20 with any substance containing carcinogens rated by the United States
21 Environmental Protection Agency as Group A, B, or C carcinogens or
22 substances listed on the agency's Office of Pesticide Programs List
23 of Chemicals Evaluated for Carcinogenic Potential as known or likely
24 carcinogens, known to be human carcinogens, likely to be human
25 carcinogens, or suggestive of being carcinogens.

1 (5) No person or entity manufacturing any reusable food
2 or beverage container or food packaging shall replace Bisphenol A
3 with any substance containing reproductive toxicants that the United
4 States Environmental Protection Agency has identified as causing
5 birth defects, reproductive harm, or developmental harm.

6 (6) Beginning January 1, 2016, all food packaging that
7 contains Bisphenol A shall display a label on the front of the
8 package stating: This package contains Bisphenol A, a chemical that
9 may harm fetal development, which can leach into the food.

10 (7) This section shall be enforced by the Department of
11 Environmental Quality. Any person violating this section shall be
12 subject to a civil penalty of ten thousand dollars. Any civil penalty
13 assessed and unpaid shall constitute a debt to the state which may be
14 collected in the manner of a lien foreclosure or sued for and
15 recovered in a proper form of action in the name of the state in the
16 district court of the county in which the violator resides or owns
17 property. An action to collect a civil penalty shall be brought
18 within two years of the alleged violation providing the basis of the
19 penalty, except that if the cause of action is not discovered and
20 could not be reasonably discovered within the two-year period, the
21 action may be commenced within two years after the date of discovery
22 or after the date of discovery of facts which would reasonably lead
23 to discovery, whichever is earlier. The department shall remit the
24 civil penalty to the State Treasurer, within thirty days after
25 receipt, for distribution in accordance with Article VII, section 5,

1 of the Constitution of Nebraska.