

AN ACT relating to public protection.

***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

➔Section 1. The General Assembly hereby finds and declares that:

(1) The protection of the public health of the citizens of the Commonwealth of Kentucky is both a priority for and responsibility of the members of the General Assembly;

(2) Education remains the most powerful instrument in securing the public protection;

(3) It is imperative that the public be made aware of risk factors that imperil the health of citizens of the Commonwealth, including risks involved in the use of bisphenol A, or BPA, in food and beverage containers for very young children;

(4) BPA is an industrial chemical that has been used to make certain plastics and resins in this country and is linked to possible adverse health effects; and

(5) This legislation is primarily an educational effort to protect the health of Kentuckians.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO READ AS FOLLOWS:

**(1) As used in this section, "metal can" means a single-walled container that is manufactured from metal substrate designed to hold or pack food or beverages and is sealed by can ends manufactured from metal substrate.**

**(2) Beginning January 1, 2016, a manufacturer, wholesaler, or retailer shall not knowingly manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state any food or beverage container, except a metal can, that contains bisphenol A if that container is intended primarily for children three (3) years of age or younger.**

**(3) (a) A manufacturer of products that are restricted under this section shall notify a person or entity that sells the manufacturer's products in this state**

about the provisions of this section at least ninety (90) days prior to the effective date of the restrictions.

(b) A manufacturer that produces, sells, or distributes a product prohibited from manufacture, sale, or distribution in this state under this section shall recall the product and reimburse the retailer or any other purchaser of the product.