

**LOCAL LAW NO. 5 OF 2010
COUNTY OF ROCKLAND
STATE OF NEW YORK**

(Introduced by: Hon. Connie L. Coker and Hon. Alden H. Wolfe)

Ms. Coker offered the following Local Law, which was seconded by Mr. Wolfe and unanimously adopted:

A local law prohibiting the sale of children's beverage containers and sucking/teething products that contain Bisphenol A within the County of Rockland.

Be it enacted by the legislature of the county of Rockland as follows:

Section 1. Name of local law

This law shall be known as "the BPA-Free Children and Babies Law."

Section 2. Legislative intent.

Bisphenol A (BPA) is a chemical commonly contained in polycarbonate plastics, including baby bottles and pacifiers designed for use by young children. Furthermore, BPA in beverage containers such as baby bottles and "sippy" cups manufactured with the chemical is released into drinks when those containers are warmed.

Studies show that BPA is a synthetic estrogen that disrupts healthy human development and has been linked to a variety of diseases including an increased risk of diseases or disorders of the brain, reproductive system, and immune system; problems with liver function testing; diabetes and heart disease; interruptions in chemotherapy treatment and hormonal disturbances. Additionally, BPA has been shown to pose a significant health risk to infants and young children as younger developing kidneys tend to retain the toxin in their bodies longer than the kidneys of older children and adults, and this age group has been found to have the highest levels of BPA exposure.

A number of states and municipalities as well as the federal government has either passed or is considering a ban on BPA in products intended for use by young children.

The purpose of this law is to ensure the continued protection of the public health, safety and general welfare of all County residents, specifically, the County's infants and young children whose growing bodies are most vulnerable to the harmful health effects of BPA

Section 3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

- A. **COUNTY** – The County of Rockland, New York.
- B. **CHILDREN'S BEVERAGE CONTAINERS** – all products designed or intended by the manufacturer to help with the feeding of children, including but not limited to baby bottles, baby bottle liners, nipples and sippy cups.
- C. **SUCKING/TEETHING PRODUCTS** – all products such as pacifiers and teething rings designed or intended by the manufacturer to be used to provide relief from gum discomfort or to facilitate sleep or relaxation.
- D. **BPA** – Bisphenol A.
- E. **PERSON** – any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity of business of any kind.

Section 4. Prohibition.

No person shall sell or offer for sale within the County any children's beverage container or sucking/teething product that contains BPA.

Section 5. Enforcement and Penalties.

Any person who violates the provisions of this chapter shall be subject to the imposition by the Rockland County Department of Consumer Protection of a civil penalty of \$500 for an initial violation, and \$1,000 for each subsequent violation. No civil penalty shall be imposed by the Rockland County Department of Consumer Protection as provided for herein unless the alleged violator has received notice of the charge against him or her and has had an opportunity to be heard pursuant to the normal procedures of the Rockland County Department of Consumer Protection. Prior to the imposition of the first civil penalty on an alleged violator, the Rockland County Department of Consumer Protection shall make a good-faith effort to issue a warning to the alleged violator and shall make a good-faith effort to educate the alleged violator about the provisions of this chapter.

Section 6. Applicability

This law shall apply to any and all actions occurring on or after the effective date of this law.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 8. Effective date.

This local law shall take effect (90) days after it is filed with the New York State Secretary of State.