

SECOND REGULAR SESSION

# HOUSE BILL NO. 1939

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES LOW (Sponsor), WALTON GRAY, OXFORD, CORCORAN,  
ZIMMERMAN, PACE, LAMPE, NEWMAN, STORCH AND TALBOY (Co-sponsors).

3652L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to toxic children's merchandise, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be  
2 known as section 407.1300, to read as follows:

**407.1300. 1. As used in this section, the following terms shall mean:**

2 (1) "Child care article", all products designed or intended by the manufacturer to  
3 facilitate sleep, relaxation, or the feeding of children, or to help children with sucking or  
4 teething;

5 (2) "Toy", all products designed or intended by the manufacturer to be used by  
6 children when at play.

7 2. (1) Beginning January 1, 2011, no person or entity shall manufacture, sell, or  
8 distribute in commerce any toy or child care article that contains di-(2-ethylhexyl)  
9 phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP), in  
10 concentrations exceeding one-tenth of one percent.

11 (2) Beginning January 1, 2011, no person or entity shall manufacture, sell, or  
12 distribute in commerce any toy or child care article intended for use by a child under three  
13 years of age if such product can be placed in the child's mouth and contains diisononyl  
14 phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP), in  
15 concentrations exceeding one-tenth of one percent.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16           **3. (1) Manufacturers shall not replace phthalates under this section with**  
17 **carcinogens rated by the United States Environmental Protection Agency as A, B, or C**  
18 **carcinogens, or substances listed as known or likely carcinogens, known to be human**  
19 **carcinogens, likely to be human carcinogens, or suggestive of being human carcinogens,**  
20 **as described in the List of Chemicals Evaluated for Carcinogenic Potential or known to the**  
21 **state to cause cancer.**

22           **(2) Manufacturers shall not replace phthalates under this section with reproductive**  
23 **toxicants that cause birth defects, reproductive harm, or developmental harm as identified**  
24 **by the United States Environmental Protection Agency or known to the state to cause birth**  
25 **defects.**

26           **4. Any person who knowingly engages in the manufacture, sale, or distribution of**  
27 **a toy or child care article declared to be unlawful by this section is guilty of a class D**  
28 **felony.**

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