

7-28-637 BPA-free kids ordinance.

(a) *Definitions.* For purposes of this section:

"Bisphenol A" shall mean the chemical produced in large quantities for use primarily in the production of polycarbonate plastic and epoxy resins with the chemical structure of $C_{15}H_{16}O_2$.

"Container" shall mean any empty bottle or cup that is specifically designed to be filled with food or liquid to be used primarily by a child under the age of three (3).

(b) *Limitations on Bisphenol A content.* It shall be unlawful for any person, firm or corporation to sell, offer or expose for sale, give or furnish any container that is composed of Bisphenol A that is sold or distributed without containing any liquid, food, or beverage; and

(c) *Notice – Required.* Any retailer shall post a sign in the store that clearly and conspicuously notifies customers that containers offered for sale in the store are not composed of Bisphenol A. The department of business affairs and consumer protection shall promulgate rules and regulations in order to enforce this subsection.

(d) *Violation.* Any person violating any of the provisions of this section shall be fined not less than \$100.00 nor more than \$300.00 for the first offense, and not less than \$300.00 nor more than \$500.00 for the second and each subsequent offense. Each day that a violation continues shall constitute a separate and distinct offense. In addition to such fines, the permit, license or certificate of operation of such person may be suspended or revoked in accordance with the provisions of this Code.

(e) *Enforcement.* The department of business affairs and consumer protection shall enforce this section. The department is also authorized to adopt rules and regulations for the proper administration and enforcement of the provisions of this section. The department of public health shall have the authority to enforce this section.

(f) *Severability.* If any provision, clause, sentence, paragraph, section or part of this chapter or application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this chapter and the application of such provision to other persons or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof already involved in the controversy in which such judgment has been rendered and to the person and circumstances affected thereby.

(Added Coun. J. 5-13-09, p. 62794, § 2; Amend Coun. J. 11-16-11, p. 13798, Art. II, § 6)