

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Toxin-Free Toddler Act.

6 Section 5. Definitions.

7 "Child" means any person who is less than 3 years of age.

8 "Children's food or beverage container" means an empty  
9 bottle or cup to be filled with food or liquid that is designed  
10 or intended by a manufacturer to be used by a child.

11 "Manufacturer" means any person who makes and places a  
12 children's food or beverage container into the stream of  
13 commerce.

14 "Retailer" means any person other than a manufacturer,  
15 distributor, or wholesaler who sells at retail children's food  
16 or beverage containers. "Sell at retail" has the same meaning  
17 as provided under Section 1 of the Retailers' Occupation Tax  
18 Act.

19 "Wholesaler" means any person, other than a manufacturer or  
20 retailer, who sells or resells or otherwise places a children's  
21 food or beverage container into the stream of commerce.

22 Section 10. Prohibit Bisphenol A in children's food or

1 beverage containers.

2 (a) Beginning January 1, 2013, no manufacturer or  
3 wholesaler may sell or offer for sale in this State a  
4 children's food or beverage container that contains bisphenol  
5 A.

6 (b) Beginning January 1, 2014, no retailer may sell or  
7 offer for sale in this State a children's food or beverage  
8 container that contains bisphenol A.

9 (c) This Section does not apply to the sale of a used  
10 children's food or beverage container.

11 Section 15. Enforcement.

12 (a) The Attorney General may bring an action in the name of  
13 the People of the State of Illinois to enforce the provisions  
14 of this Act in the circuit court of any county in which a  
15 violation occurs.

16 (b) When (i) it appears to the Attorney General that a  
17 manufacturer, wholesaler, or retailer has engaged in or is  
18 engaging in any practice declared to be in violation of this  
19 Act, or (ii) the Attorney General receives a written complaint  
20 from a consumer of the commission of a practice declared to be  
21 in violation of this Act, or (iii) the Attorney General  
22 believes it to be in the public interest that an investigation  
23 should be made to ascertain whether a person in fact has  
24 engaged in or is engaging in any practice declared to be in  
25 violation of this Act, the Attorney General may:

1           (1) Require that person to file, on terms that the  
2 Attorney General prescribes, a statement or report in  
3 writing under oath or otherwise, as to all information the  
4 Attorney General considers necessary.

5           (2) Examine under oath any person in connection with  
6 the conduct of any trade or commerce.

7           (3) Examine any merchandise or sample thereof, record,  
8 book, document, account, or paper the Attorney General  
9 considers necessary.

10          (4) Pursuant to an order of the circuit court, impound  
11 any record, book, document, account, paper, or sample of a  
12 children's food or beverage container, and retain it in the  
13 Attorney General's possession until the completion of all  
14 proceedings in connection with which it is produced.

15          (c) In the administration of this Act, the Attorney General  
16 may accept an assurance of voluntary compliance with respect to  
17 any practice deemed to be a violation of this Act from any  
18 manufacturer, wholesaler, or retailer who has engaged in or is  
19 engaging in that practice. Evidence of the violation of an  
20 assurance of voluntary compliance shall be prima facie evidence  
21 of a violation of this Act in any subsequent proceeding brought  
22 by the Attorney General against the alleged violator with  
23 regard to the specific violation or violations addressed in the  
24 assurance of voluntary compliance.

25          (d) Whenever the Attorney General has reason to believe  
26 that any manufacturer, wholesaler, or retailer has engaged in

1 or is engaging in any practice in violation of this Act and  
2 that proceedings would be in the public interest, he or she may  
3 bring an action in the name of the People of the State against  
4 that manufacturer, wholesaler, or retailer to restrain by  
5 preliminary or permanent injunction the use of that practice.

6 (e) Civil penalties paid under Section 20 shall be  
7 deposited into the Attorney General Court Ordered and Voluntary  
8 Compliance Payment Projects Fund. Moneys in the Fund shall be  
9 used, subject to appropriation, for the performance of any  
10 function pertaining to the exercise of the duties of the  
11 Attorney General, including, but not limited to, enforcement of  
12 any law of this State and conducting public education programs.  
13 Any moneys in the Fund that are required by the court or by an  
14 agreement to be used for a particular purpose must be used for  
15 that purpose, however.

16 Section 20. Penalties. A manufacturer, retailer, or  
17 wholesaler who violates this Act is subject to a civil penalty  
18 in an amount not to exceed \$200 for each day that the violation  
19 continues.

20 Section 98. Repeal. This Act shall be repealed if the  
21 United States Food and Drug Administration promulgates a final  
22 rule amending its food additive regulations in order to  
23 prohibit the use of polycarbonate resins in infant feeding  
24 bottles and spill-proof cups.

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.