



Rep. Elaine Nekritz

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LRB097 15454 JDS 69245 a

1 AMENDMENT TO SENATE BILL 2950

2 AMENDMENT NO. _____. Amend Senate Bill 2950 by replacing
3 everything after the enacting clause with the following:

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

1 as provided under Section 1 of the Retailers' Occupation Tax
2 Act.

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

6 Section 10. Prohibit Bisphenol A in children's food or
7 beverage containers.

8 (a) Beginning January 1, 2013, a manufacturer or wholesaler
9 may not sell or offer for sale in this State a children's food
10 or beverage container that contains bisphenol A.

11 (b) Beginning January 1, 2014, a retailer may not knowingly
12 sell or offer for sale in this State a children's food or
13 beverage container that contains bisphenol A.

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

16 Section 15. Enforcement.

17 (a) The Attorney General may bring an action in the name of
18 the People of the State of Illinois to enforce the provisions
19 of this Act in the circuit court of any county in which a
20 violation occurs.

21 (b) When (i) it appears to the Attorney General that a
22 manufacturer, wholesaler, or retailer has engaged in or is
23 engaging in any practice declared to be in violation of this
24 Act, or (ii) the Attorney General receives a written complaint

1 from a consumer of the commission of a practice declared to be
2 in violation of this Act, or (iii) the Attorney General
3 believes it to be in the public interest that an investigation
4 should be made to ascertain whether a person in fact has
5 engaged in or is engaging in any practice declared to be in
6 violation of this Act, the Attorney General may:

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

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

13 (3) Examine any merchandise or sample thereof, record,
14 book, document, account, or paper the Attorney General
15 considers necessary.

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

21 (c) In the administration of this Act, the Attorney General
22 may accept an assurance of voluntary compliance with respect to
23 any practice deemed to be a violation of this Act from any
24 manufacturer, wholesaler, or retailer who has engaged in or is
25 engaging in that practice. Evidence of the violation of an
26 assurance of voluntary compliance shall be prima facie evidence

1 of a violation of this Act in any subsequent proceeding brought
2 by the Attorney General against the alleged violator with
3 regard to the specific violation or violations addressed in the
4 assurance of voluntary compliance.

5 (d) Whenever the Attorney General has reason to believe
6 that any manufacturer, wholesaler, or retailer has engaged in
7 or is engaging in any practice in violation of this Act and
8 that proceedings would be in the public interest, he or she may
9 bring an action in the name of the People of the State against
10 that manufacturer, wholesaler, or retailer to restrain by
11 preliminary or permanent injunction the use of that practice.

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

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

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

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".