

LOCAL LAW NO. "C" FOR 2009

A LOCAL LAW OF THE COUNTY OF ALBANY, NY TO PROTECT INFANTS AND YOUNG CHILDREN FROM HARMFUL HEALTH EFFECTS CREATED BY CERTAIN PLASTIC BEVERAGE CONTAINERS

Introduced: 4/13/09

By Messrs. Clenahan, Domalewicz, Scavo, Higgins, Mss. Maffia-Tobler, Willingham, Connolly, McKnight, Messrs. Aylward, Gordon, Joyce, Bullock, Beston, Ms. Chapman, Messrs. Clay, Comisso, Ethier, Horstmyer, Houghtaling, Mayo, McCoy, Morse, Nichols, Rahm, Reilly, Timmins and Ward:

BE IT ENACTED by the Albany County Legislature as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Bisphenol A ("BPA") is a chemical commonly contained in polycarbonate plastics, including baby bottles and cups designed for use by young children and epoxy resins used to line the interior of commonly used food and beverage cans.

This Legislature also finds that studies have shown that BPA is a synthetic estrogen which disrupts healthy human development and can lead to such complications as an altered immune system, hyperactivity, reproductive health problems, increased risk of breast and prostate cancer, obesity, and diabetes.

This Legislature further finds and determines that BPA is released into food and beverages in food and drink containers manufactured with the chemical when those containers are warmed.

This Legislature also finds that BPA has been shown to pose a significant health risk to infants and young children as this age group has been found to have the highest levels of BPA exposure.

This Legislature further finds and determines that several states and the federal government have started considering a ban on BPA in food and beverage containers and other products that are intended for use by children.

This Legislature finds that Albany County is committed to protecting the public health and welfare of our County's infants and young children, whose growing bodies are vulnerable to the health hazards caused by BPA.

Therefore, the purpose of this local law is to protect infants and young children from the harmful health effects of BPA.

Section 2. Definitions.

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

- A) “Children’s Beverage Container” shall mean any unfilled bottle, cup, cup lid, straw or other container intended to be used by children under the age of three (3) years old for the consumption of liquids.
- B) “BPA” shall mean Bisphenol A.
- C) “Person” shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity of business of any kind.

Section 3. Prohibitions.

No person shall sell or offer for sale children’s beverage containers that contain BPA within the County of Albany.

Section 4. Enforcement.

This law shall be enforced by the Albany County Department of Health in accordance with the provisions of the Albany County Sanitary Code.

Section 5. Authority to Promulgate Rules and Regulations.

The Commissioner of the Albany County Department of Health is hereby authorized and empowered to promulgate such rules and regulations as he deems necessary to implement this law.

Section 6. Penalties.

Any person who knowingly violates the provisions of this law or should know that he/she is in violation of the provisions of this law shall be subject to a civil penalty of five hundred dollars (\$500) for an initial violation of the law and a penalty of one thousand dollars (\$1,000) for each subsequent violation.

Section 7. Applicability.

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

Section 8. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this 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, 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 9. Effective Date.

This law shall take effect January 1, 2010.

Referred to Health Committee. 4/13/09

Favorable Recommendation - Health Committee. 6/24/09

Referred to Health Committee. 7/13/09

Favorable Recommendation - Health Committee. 7/29/09

On roll call vote the following voted in favor: Mr. Aylward, Ms. Benedict, Messrs. Beston, Bullock, Carman, Ms. Chapman, Messrs. Clay, Clenahan, Clouse, Commisso, Ms. Connolly, Messrs. Cotrofeld, Dawson, Domalewicz, Ethier, Gordon, Higgins, Horstmyer, Houghtaling, Infante, Joyce, Mss. Lockart, Maffia-Tobler, Messrs. Mayo, McCoy, Mendick, Morse, Nichols, Rahm, Reilly, Scavo, Tunny, Ward, Ms. Willingham and Mr. Zeilman – 35.

Those opposed: - 0.

Local Law was adopted. 8/10/09