

Amend 06-096 C.M.R. ch. 882 § 5 to read as follows:

5. Sales prohibition of children's products containing bisphenol A

A. Sales Prohibition. Except as provided in section 1(B) of this chapter, no person shall sell, offer for sale or distribute for sale in Maine any:

- (1) reusable food or beverage container containing intentionally-added bisphenol A after January 1, 2012;
- (2) infant formula packaging containing intentionally-added bisphenol A in an amount greater than the de minimis level after March 1, 2014; and
- (3) baby food packaging containing intentionally-added bisphenol A in an amount greater than the de minimis level after March 1, 2014.

B. Compliance plan required. The manufacturer of a children's product subject to the sales prohibition of subsection A shall file, or cause all of its distributors to file, a compliance plan with the department no later than 180 days prior to the effective date of a sales prohibition under this section, unless the manufacturer receives a time extension in writing from the department. The compliance plan must:

- (1) Identify the manufacturer's products subject to the sales prohibition;
- (2) Specify whether compliance will be achieved by discontinuing the sale of the children's product in Maine or by substituting a safer alternative in the product;
- (3) If compliance is achieved by substitution of a safer alternative in the product, identify the safer alternative and the timetable for substitution; and
- (4) Confirm that the manufacturer has notified all persons that offer the product for sale or distribution in Maine of the sales prohibition, as required by 38 MRSA §1696(4).
 - (a) Confirmation shall include a copy of the notice and a list of the persons to whom it was sent.
 - (b) A retailer is exempt from the sales prohibition requirements of this section if the manufacturer failed to notify the wholesaler and retailer in accordance with this subsection, and the department did not notify the retailer of the sales prohibition.