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HEALTH AND SAFETY CODE - HSC

DIVISION 104. ENVIRONMENTAL HEALTH [106500 - 119406] (*Division 104 added by Stats. 1995, Ch. 415, Sec. 6.*)

PART 3. PRODUCT SAFETY [108040 - 109052] (*Part 3 added by Stats. 1995, Ch. 415, Sec. 6.*)

CHAPTER 12. Bisphenol [108940 - 108942] (*Heading of Chapter 12 amended by Stats. 2024, Ch. 790, Sec. 1.*)

108940. (a) On and after January 1, 2026, no person shall manufacture, sell, or distribute in commerce any juvenile's feeding product or juvenile's sucking or teething product that contains any form of bisphenol above the practical quantitation limit (PQL), to be determined by the Department of Toxic Substances Control.

(b) Subdivision (a) shall not apply to medical devices, as defined in Section 109920, or to food and beverage containers designed or intended primarily to contain liquid, food, or beverages for consumption by the general population.

(c) The Department of Toxic Substances Control may establish standards for any juvenile's feeding product or juvenile's sucking or teething product that are more protective of public health, sensitive populations, or the environment than the standards established pursuant to subdivision (a).

(d) Notwithstanding subdivision (a), if the Department of Toxic Substances Control adopts a regulatory response described in Section 25253 regarding the use of any form of bisphenol in a product that is prohibited by this section, the prohibition of this section shall not apply to that product upon the date that the Department of Toxic Substances Control posts a notice on its internet website that it has adopted the response.

(e) Notwithstanding subdivisions (b) and (c) of Section 25257.1, this section shall not be construed to prohibit or restrict the authority of the Department of Toxic Substances Control to prioritize or take action on any products containing any form of bisphenol in order to limit exposure to or reduce the level of hazard posed by any form of bisphenol.

(f) (1) The Department of Toxic Substances Control or the Attorney General may enforce this chapter.

(2) A violation of this chapter shall be punishable by an administrative or civil penalty not to exceed five thousand dollars (\$5,000) for a first violation, and not to exceed ten thousand dollars (\$10,000) for each subsequent violation.

(3) Penalties may be assessed for each violation or, for continuing violations, for each day that violation continues.

(g) The Department of Toxic Substances Control may adopt regulations to implement, enforce, interpret, or make specific this chapter.

(h) Upon appropriation by the Legislature, funds in the Toxic Substances Control Account may be used by the Department of Toxic Substances Control to implement this chapter.

(*Amended by Stats. 2024, Ch. 790, Sec. 2. (SB 1266) Effective January 1, 2025.*)

108941. (a) Manufacturers shall use the least toxic alternative when replacing any form of bisphenol in a juvenile's feeding product or juvenile's sucking or teething product in accordance with this chapter.

(b) Manufacturers shall not replace any form of bisphenol pursuant to this chapter with chemicals classified by the United States Environmental Protection Agency as carcinogenic to humans, likely to be carcinogenic to humans, or for which there is suggestive evidence of carcinogenic potential, or identified by the state to cause cancer as listed in the Safe Drinking Water and Toxic Enforcement Act of 1986 (Chapter 6.6 (commencing with Section 25249.5) of Division 20) list of chemicals known to cause cancer or reproductive toxicity.

(c) Manufacturers shall not replace any form of bisphenol pursuant to this chapter with reproductive toxicants that cause birth defects, reproductive harm, or developmental harm as identified by the United States Environmental Protection Agency or listed in the Safe Drinking Water and Toxic Enforcement Act of 1986 (Chapter 6.6 (commencing with Section 25249.5) of Division 20) list of chemicals known to cause cancer or reproductive toxicity.

(d) Manufacturers shall not replace any form of bisphenol pursuant to this chapter with any chemical identified by the Department of Toxic Substances Control as a Candidate Chemical pursuant to Section 69502.2 of Title 22 of the California Code of Regulations.

(Amended by Stats. 2024, Ch. 790, Sec. 3. (SB 1266) Effective January 1, 2025.)

108942. For purposes of this chapter, the following terms have the following meanings:

(a) "Bisphenol" means a chemical with two phenol rings connected by a single linker atom. The linker atom and phenol rings may have additional substituents.

(b) "Juvenile" means an individual or individuals younger than 12 years of age.

(c) "Juvenile's feeding product" means any consumer product, marketed for use by, marketed to, sold, offered for sale, or distributed to juveniles in the State of California that is designed or intended by the manufacturer to be filled with any liquid, food, or beverage intended primarily for consumption from that bottle or cup by a juvenile.

(d) "Juvenile's sucking or teething product" means any consumer product, marketed for use by, marketed to, sold, offered for sale, or distributed to juveniles in the State of California that is designed or intended by the manufacturer to help a juvenile with sucking or teething in order to facilitate sleep or relaxation.

(Added by Stats. 2024, Ch. 790, Sec. 4. (SB 1266) Effective January 1, 2025.)