

HOUSE BILL 833

J1
HB 52/06 – HGO

71r3065

By: **Delegate Hubbard**

Introduced and read first time: February 9, 2007

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Phthalates and Bisphenol-A – Prohibitions – Toys, Child**
3 **Care Articles, and Cosmetics**

4 FOR the purpose of prohibiting the manufacture, sale, or distribution of certain toys or
5 child care articles containing bisphenol-A or certain phthalates; prohibiting the
6 manufacture, sale, or distribution of cosmetics containing certain phthalates;
7 requiring a person to use the least toxic alternative and prohibiting a person
8 from using certain carcinogens or certain reproductive toxicants when
9 complying with a certain provision of this Act; providing for a certain penalty;
10 and generally relating to certain toys, child care articles, and cosmetics
11 containing bisphenol-A or certain phthalates.

12 BY adding to
13 Article – Health – General
14 Section 24-304
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2006 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Health – General**
20 **24-304.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) (1) ON OR AFTER JANUARY 1, 2009, A PERSON MAY NOT**
2 **MANUFACTURE, SELL, OR DISTRIBUTE IN COMMERCE ANY TOY OR CHILD CARE**
3 **ARTICLE:**

4 **(I) INTENDED FOR USE BY A CHILD UNDER THE AGE OF 3**
5 **YEARS AND CONTAINING BISPHENOL-A;**

6 **(II) CONTAINING DIETHYLHEXYL PHTHALATE (DEHP),**
7 **DIBUTYL PHTHALATE (DBP), OR BUTYL BENZYL PHTHALATE (BBP) IN**
8 **CONCENTRATIONS EXCEEDING 0.1%; OR**

9 **(III) INTENDED FOR USE BY A CHILD UNDER THE AGE OF 3**
10 **YEARS IF THE TOY OR CHILD CARE ARTICLE:**

11 **1. CAN BE PLACED IN THE MOUTH OF THE CHILD;**
12 **AND**

13 **2. CONTAINS DIISONONYL PHTHALATE (DINP),**
14 **DIISODECYL PHTHALATE (DIDP), OR DI-N-OCTYL PHTHALATE (DNOP) IN**
15 **CONCENTRATIONS EXCEEDING 0.1%.**

16 **(2) IN COMPLYING WITH PARAGRAPH (1) OF THIS SUBSECTION, A**
17 **PERSON:**

18 **(I) SHALL USE THE LEAST TOXIC ALTERNATIVE WHEN**
19 **REPLACING BISPHENOL-A AND PHTHALATES; AND**

20 **(II) MAY NOT REPLACE BISPHENOL-A OR PHTHALATES**
21 **WITH:**

22 **1. CARCINOGENS RATED BY THE UNITED STATES**
23 **ENVIRONMENTAL PROTECTION AGENCY AS GROUP A, B, OR C CARCINOGENS;**
24 **OR**

25 **2. REPRODUCTIVE TOXICANTS THAT CAUSE BIRTH**
26 **DEFECTS, REPRODUCTIVE HARM, OR DEVELOPMENTAL HARM AS IDENTIFIED BY**
27 **THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.**

1 **(B) ON OR AFTER JANUARY 1, 2009, A PERSON MAY NOT**
2 **MANUFACTURE, SELL, OR DISTRIBUTE IN COMMERCE ANY COSMETIC**
3 **CONTAINING DIBUTYL PHTHALATE (DBP) OR DIETHYLHEXYL PHTHALATE**
4 **(DEHP).**

5 **(C) A PERSON THAT VIOLATES ANY PROVISION OF THIS SECTION IS**
6 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**
7 **EXCEEDING \$10,000 FOR EACH VIOLATION.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2007.