

HOUSE BILL 107

J1, M3

2lr0803

By: **Delegates Hubbard, Barnes, Braveboy, Carr, Costa, Cullison, Donoghue, Frush, Gaines, Huckler, Ivey, A. Kelly, Kipke, Luedtke, Morhaim, Murphy, Nathan–Pulliam, Niemann, Oaks, Pena–Melnik, Pendergrass, Reznik, S. Robinson, Ross, Tarrant, V. Turner, Valentino–Smith, and Waldstreicher**

Introduced and read first time: January 19, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Child Care Products Containing Flame Retardant Chemicals**
3 **(TRIS) – Prohibition**

4 FOR the purpose of prohibiting a person from selling or offering for sale certain child
5 care products containing certain flame retardant chemicals (TRIS) on or after a
6 certain date; providing that this Act does not apply to the sale or distribution of
7 a child care product that is resold, offered for resale, or distributed by a
8 consumer for consumer use; providing for certain penalties; authorizing a court
9 to enjoin certain actions; requiring the Department of Health and Mental
10 Hygiene to adopt certain regulations on or before a certain date; defining
11 certain terms; and generally relating to child care products containing TRIS.

12 BY adding to

13 Article – Health – General

14 Section 24–305

15 Annotated Code of Maryland

16 (2009 Replacement Volume and 2011 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 **24–305.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
2 **MEANINGS INDICATED.**

3 **(2) "CHILD CARE PRODUCT" MEANS A CONSUMER PRODUCT**
4 **INTENDED FOR USE BY A CHILD UNDER THE AGE OF 4 YEARS, INCLUDING A**
5 **BABY PRODUCT, TOY, CAR SEAT, NURSING PILLOW, CRIB MATTRESS, AND**
6 **STROLLER.**

7 **(3) "TRIS" MEANS TCEP (TRIS (2-CHLOROETHYL) PHOSPHATE).**

8 **(B) THIS SECTION DOES NOT APPLY TO THE SALE OR DISTRIBUTION OF**
9 **A CHILD CARE PRODUCT THAT IS RESOLD, OFFERED FOR RESALE, OR**
10 **DISTRIBUTED BY A CONSUMER FOR CONSUMER USE.**

11 **(C) A PERSON MAY NOT SELL OR OFFER FOR SALE ANY CHILD CARE**
12 **PRODUCT THAT:**

13 **(1) CONTAINS TRIS; AND**

14 **(2) IS INTENDED FOR USE BY A CHILD UNDER THE AGE OF 4**
15 **YEARS.**

16 **(D) (1) A PERSON THAT VIOLATES THIS SECTION IS SUBJECT TO:**

17 **(I) FOR A FIRST VIOLATION, A CIVIL PENALTY NOT**
18 **EXCEEDING \$1,000; AND**

19 **(II) FOR ANY SUBSEQUENT VIOLATION, A CIVIL PENALTY**
20 **NOT EXCEEDING \$2,500 FOR EACH VIOLATION.**

21 **(2) IN ADDITION TO THE CIVIL PENALTIES PROVIDED IN**
22 **PARAGRAPH (1) OF THIS SUBSECTION, A COURT MAY ENJOIN AN ACTION**
23 **PROHIBITED BY THIS SECTION.**

24 **(E) ON OR BEFORE JANUARY 1, 2013, THE DEPARTMENT SHALL ADOPT**
25 **REGULATIONS TO CARRY OUT THIS SECTION.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2012.