A BILL ENTITLED

AN ACT concerning

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

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

BY adding to

Article – Health – General
Section 24–306
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

Article – Health – General

24–306.

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

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

(3) “TRIS” MEANS TCEP (TRIS (2–CHLOROETHYL) PHOSPHATE).

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

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

(1) CONTAINS TRIS; AND

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

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

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

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

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

(E) ON OR BEFORE JANUARY 1, 2014, THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.