

Chapter 349

(House Bill 99)

AN ACT concerning

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

FOR the purpose of prohibiting a person from importing, selling, or offering for sale certain child care products containing certain flame–retardant chemicals ~~(TRIS)~~ (TCEP) 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; authorizing the Secretary of Health and Mental Hygiene to suspend implementation of certain provisions of this Act if the Secretary makes a certain determination; 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~~ TCEP.

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~~ 3 YEARS, INCLUDING A BABY PRODUCT, TOY, CAR SEAT, NURSING PILLOW, CRIB MATTRESS, AND STROLLER.

(3) “~~TRIS~~ TCEP” 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 IMPORT, SELL, OR OFFER FOR SALE ANY CHILD CARE PRODUCT THAT:

(1) CONTAINS ~~THIS~~ MORE THAN ONE-TENTH OF 1% OF TCEP BY MASS; AND

(2) IS INTENDED FOR USE BY A CHILD UNDER THE AGE OF ~~4~~ 3 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) THE SECRETARY MAY SUSPEND IMPLEMENTATION OF SUBSECTION (C) OF THIS SECTION IF THE SECRETARY DETERMINES THAT THE FIRE SAFETY BENEFITS OF TCEP ARE GREATER THAN THE HEALTH RISKS ASSOCIATED WITH TCEP.

~~(E)~~ (F) 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.

Approved by the Governor, May 2, 2013.