

HOUSE BILL 189

K3, M3

4lr0696

By: **Delegates Serafini, Dwyer, George, Glass, and Schuh**

Introduced and read first time: January 15, 2014

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Occupational Safety and Health Act – Chemical Information List –**
3 **Submission to Department of the Environment – Repeal**

4 FOR the purpose of repealing obsolete language regarding the maintenance of and
5 access to certain chemical information lists submitted to the Department of the
6 Environment; repealing the requirement that employers, under certain
7 circumstances, submit a certain chemical list to the Department; repealing the
8 requirement that the Department take certain actions regarding the chemical
9 lists that are submitted to the Department; and generally relating to the
10 chemical information list employers are required to keep under the Maryland
11 Occupational Safety and Health Act.

12 BY repealing

13 Article – Environment

14 Section 6–501 through 6–504 and the subtitle “Subtitle 5. Public Access to
15 Information on Hazardous or Toxic Chemicals”

16 Annotated Code of Maryland

17 (2013 Replacement Volume)

18 BY repealing

19 Article – Labor and Employment

20 Section 5–406 and 5–408(d)

21 Annotated Code of Maryland

22 (2008 Replacement Volume and 2013 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That Section(s) 6–501 through 6–504 and the subtitle “Subtitle 5. Public
25 Access to Information on Hazardous or Toxic Chemicals” of Article – Environment of
26 the Annotated Code of Maryland be repealed.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article – Labor and Employment**

4 [5–406.

5 (a) (1) Within 15 days after an employer prepares or revises a chemical
6 information list, the employer shall submit a copy of the list to the Department of the
7 Environment.

8 (2) Within 5 working days after an employer receives a written
9 request from the Department of the Environment for a copy of a material safety data
10 sheet, the employer shall submit to the Department a copy of that sheet.

11 (b) The Department of the Environment shall:

12 (1) review, for completeness and sufficiency, each:

13 (i) chemical information list that an employer submits under
14 subsection (a) of this section; and

15 (ii) material safety data sheet that the Department requests;
16 and

17 (2) give the Commissioner notice of any noncompliance.

18 (c) The Department of the Environment shall provide access to information
19 on a chemical information list only to:

20 (1) a person who provides fire, ambulance, or rescue service for the
21 appropriate geographic area;

22 (2) a nurse, physician, or physician assistant who is treating an
23 individual in a medical emergency;

24 (3) a former employee of an inactive employer;

25 (4) the Commissioner; and

26 (5) an independent contractor or employer as provided in § 5–408 of
27 this subtitle.

28 (d) Except as provided in subsections (b) and (c) of this section and § 6–503 of
29 the Environment Article, the Department of the Environment:

1 (1) shall treat as confidential information in a chemical information
2 list; and

3 (2) may not disclose the information:

4 (i) in any civil proceeding; or

5 (ii) to any person.]

6 5-408.

7 [(d) An independent contractor or employer who is not given information as
8 required under subsection (a) or (b) of this section may obtain the document from the
9 Department of the Environment in accordance with § 5-406(c) of this subtitle.]

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2014.