

HOUSE BILL 229

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By: **Delegate Hubbard**

Introduced and read first time: January 17, 2014

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Child Care Products Containing Flame–Retardant Chemicals**
3 **– TDCPP – Prohibition**

4 FOR the purpose of prohibiting a person from importing, selling, or offering for sale
5 certain child care products containing certain flame–retardant chemicals;
6 authorizing the Secretary of Health and Mental Hygiene to suspend
7 implementation of certain provisions of this Act if the Secretary makes a certain
8 determination; requiring the Department of Health and Mental Hygiene to
9 adopt certain regulations on or before a certain date; defining a certain term;
10 and generally relating to child care products containing flame–retardant
11 chemicals known as TDCPP.

12 BY repealing and reenacting, with amendments,
13 Article – Health – General
14 Section 24–306
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2013 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 24–306.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) “Child care product” means a consumer product intended for use by
23 a child under the age of 3 years, including a baby product, toy, car seat, nursing pillow,
24 crib mattress, and stroller.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) "TCEP" means (tris (2-chloroethyl) phosphate).

2 (4) "TDCPP" MEANS (TRIS (1, 3-DICHLORO-2-PROPYL)
3 PHOSPATE).

4 (b) This section does not apply to the sale or distribution of a child care
5 product that is resold, offered for resale, or distributed by a consumer for consumer
6 use.

7 (c) A person may not import, sell, or offer for sale any child care product
8 that:

9 (1) Contains more than one-tenth of 1% of TCEP **OR TDCPP** by
10 mass; and

11 (2) Is intended for use by a child under the age of 3 years.

12 (d) (1) A person that violates this section is subject to:

13 (i) For a first violation, a civil penalty not exceeding \$1,000;
14 and

15 (ii) For any subsequent violation, a civil penalty not exceeding
16 \$2,500 for each violation.

17 (2) In addition to the civil penalties provided in paragraph (1) of this
18 subsection, a court may enjoin an action prohibited by this section.

19 (e) The Secretary may suspend implementation of subsection (c) of this
20 section if the Secretary determines that the fire safety benefits of TCEP **OR TDCPP**
21 are greater than the health risks associated with TCEP **OR TDCPP**.

22 (f) On or before January 1, [2014] **2015**, the Department shall adopt
23 regulations to carry out this section.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2014.