

# SENATE BILL 711

K3, M3

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CF HB 189

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By: **Senator Feldman**

Introduced and read first time: January 31, 2014

Assigned to: Finance

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## A BILL ENTITLED

AN ACT concerning

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

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

BY repealing

Article – Environment

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

Annotated Code of Maryland  
(2013 Replacement Volume)

BY repealing

Article – Labor and Employment

Section 5–406 and 5–408(d)

Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

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Access to Information on Hazardous or Toxic Chemicals” of Article – Environment of the Annotated Code of Maryland be repealed.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

**Article – Labor and Employment**

[5–406.

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

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

(b) The Department of the Environment shall:

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

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

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

(2) give the Commissioner notice of any noncompliance.

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

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

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

(3) a former employee of an inactive employer;

(4) the Commissioner; and

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

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

- list; and
- (1) shall treat as confidential information in a chemical information
  - (2) may not disclose the information:
    - (i) in any civil proceeding; or
    - (ii) to any person.]

5-408.

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

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