

(PRE-FILED)

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By: **Delegate Hubbard**  
 Requested: October 26, 2005  
 Introduced and read first time: January 11, 2006  
 Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

2 **Public Health - Phthalates and Bisphenol-A - Prohibitions - Toys, Child**  
 3 **Care Articles, and Cosmetics**

4 FOR the purpose of prohibiting the manufacture, sale, or distribution of certain toys  
 5 or child care articles containing bisphenol-A or certain phthalates; prohibiting  
 6 the manufacture, sale, or distribution of cosmetics containing certain  
 7 phthalates; requiring a person to use the least toxic alternative and prohibiting  
 8 a person from using certain carcinogens or certain reproductive toxicants when  
 9 complying with a certain provision of this Act; providing for a certain penalty;  
 10 and generally relating to certain toys, child care articles, and cosmetics  
 11 containing bisphenol-A or certain phthalates.

12 BY adding to  
 13 Article - Health - General  
 14 Section 24-304  
 15 Annotated Code of Maryland  
 16 (2005 Replacement Volume and 2005 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 24-304.

21 (A) (1) ON OR AFTER JANUARY 1, 2008, A PERSON MAY NOT MANUFACTURE,  
 22 SELL, OR DISTRIBUTE IN COMMERCE ANY TOY OR CHILD CARE ARTICLE:

23 (I) INTENDED FOR USE BY A CHILD UNDER THE AGE OF 3 YEARS  
 24 AND CONTAINING BISPHENOL-A;

25 (II) CONTAINING DIETHYLHEXYL PHTHALATE (DEHP), DIBUTYL  
 26 PHTHALATE (DBP), OR BUTYL BENZYL PHTHALATE (BBP) IN CONCENTRATIONS  
 27 EXCEEDING 0.1%; OR

1 (III) INTENDED FOR USE BY A CHILD UNDER THE AGE OF 3 YEARS IF  
2 THE TOY OR CHILD CARE ARTICLE:

3 1. CAN BE PLACED IN THE MOUTH OF THE CHILD; AND

4 2. CONTAINS DIISONONYL PHTHALATE (DINP), DIISODECYL  
5 PHTHALATE (DIDP), OR DI-N-OCTYL PHTHALATE (DNOP) IN CONCENTRATIONS  
6 EXCEEDING 0.1%.

7 (2) IN COMPLYING WITH PARAGRAPH (1) OF THIS SUBSECTION, A  
8 PERSON:

9 (I) SHALL USE THE LEAST TOXIC ALTERNATIVE WHEN REPLACING  
10 BISPHENOL-A AND PHTHALATES; AND

11 (II) MAY NOT REPLACE BISPHENOL-A OR PHTHALATES WITH:

12 1. CARCINOGENS RATED BY THE UNITED STATES  
13 ENVIRONMENTAL PROTECTION AGENCY AS A, B, OR C CARCINOGENS; OR

14 2. REPRODUCTIVE TOXICANTS THAT CAUSE BIRTH DEFECTS,  
15 REPRODUCTIVE HARM, OR DEVELOPMENTAL HARM AS IDENTIFIED BY THE UNITED  
16 STATES ENVIRONMENTAL PROTECTION AGENCY.

17 (B) ON OR AFTER JANUARY 1, 2008, A PERSON MAY NOT MANUFACTURE, SELL,  
18 OR DISTRIBUTE IN COMMERCE ANY COSMETIC CONTAINING DIBUTYL PHTHALATE  
19 (DBP) OR DIETHYLHEXYL PHTHALATE (DEHP).

20 (C) A PERSON THAT VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF  
21 A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING  
22 \$10,000 FOR EACH VIOLATION.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
24 effect October 1, 2006.