

# HOUSE BILL 15

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9lr0469

(PRE-FILED)

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By: ~~Delegate Hubbard~~ **Delegates Hubbard, Manno, and V. Turner**

Requested: July 31, 2008

Introduced and read first time: January 14, 2009

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2009

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Child Care Articles ~~and Toys~~ Containing Bisphenol-A - Prohibition**

3 FOR the purpose of prohibiting the manufacture, sale, or distribution of ~~certain toys or~~  
4 child care articles containing bisphenol-A; requiring a person to use the least  
5 toxic alternative; prohibiting a person from using certain carcinogens or certain  
6 reproductive toxicants when complying with a certain provision of this Act;  
7 requiring a manufacturer to indicate conspicuously on a child care article that  
8 the article does not contain bisphenol-A; requiring the Department of Health  
9 and Mental Hygiene to adopt certain regulations; providing for a certain  
10 penalty; defining ~~certain terms~~ a certain term; and generally relating to certain  
11 ~~toys and~~ child care articles containing bisphenol-A.

12 BY adding to

13 Article - Health - General

14 Section 24-304

15 Annotated Code of Maryland

16 (2005 Replacement Volume and 2008 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.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) (1) IN THIS SECTION, ~~THE FOLLOWING WORDS HAVE THE~~  
2 ~~MEANINGS INDICATED.~~

3 ~~(2) "CHILD CHILD CARE ARTICLE" MEANS A CONSUMER~~  
4 ~~PRODUCT DESIGNED OR INTENDED BY THE MANUFACTURER TO FACILITATE~~  
5 ~~SLEEP OR THE FEEDING OF CHILDREN UNDER THE AGE OF 4 YEARS OR TO HELP~~  
6 ~~A CHILD WITH SUCKING OR TEETHING AN EMPTY BOTTLE OR CUP TO BE FILLED~~  
7 ~~WITH FOOD OR LIQUID THAT IS DESIGNED OR INTENDED BY A MANUFACTURER~~  
8 ~~TO BE USED BY A CHILD UNDER THE AGE OF 3 YEARS.~~

9 (2) IF A FEDERAL LAW REGULATING THE USE OF BISPHENOL-A  
10 IN CHILD CARE ARTICLES IS ENACTED, "CHILD CARE ARTICLE" SHALL BE  
11 DEFINED AS SPECIFIED IN THE FEDERAL LAW.

12 ~~(3) "CHILDREN'S TOY" MEANS A TOY OR ANY OTHER CONSUMER~~  
13 ~~PRODUCT DESIGNED OR INTENDED BY THE MANUFACTURER FOR A CHILD~~  
14 ~~UNDER THE AGE OF 13 YEARS FOR USE BY A CHILD WHEN THE CHILD PLAYS.~~

15 (B) ON OR AFTER ~~JANUARY 10, 2010~~ JANUARY 1, 2011, A PERSON MAY  
16 NOT MANUFACTURE, SELL, OR DISTRIBUTE IN COMMERCE ANY ~~CHILDREN'S TOY~~  
17 ~~OR~~ CHILD CARE ARTICLE CONTAINING BISPHENOL-A.

18 (C) IN COMPLYING WITH SUBSECTION (B) OF THIS SECTION, A PERSON:

19 (1) SHALL USE THE LEAST TOXIC ALTERNATIVE WHEN  
20 REPLACING BISPHENOL-A; AND

21 (2) MAY NOT REPLACE BISPHENOL-A WITH:

22 (I) CARCINOGENS RATED BY THE UNITED STATES  
23 ENVIRONMENTAL PROTECTION AGENCY AS GROUP A, B, OR C CARCINOGENS;  
24 OR

25 (II) REPRODUCTIVE TOXICANTS THAT CAUSE BIRTH  
26 DEFECTS, REPRODUCTIVE HARM, OR DEVELOPMENTAL HARM AS IDENTIFIED BY  
27 THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

28 (D) IN COMPLYING WITH SUBSECTION (B) OF THIS SECTION, A  
29 MANUFACTURER SHALL INDICATE CONSPICUOUSLY ON THE CHILD CARE  
30 ARTICLE THAT THE ARTICLE DOES NOT CONTAIN BISPHENOL-A.

31 ~~(D)~~ (E) A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A  
32 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING  
33 \$10,000 FOR EACH VIOLATION.

1           **(F) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT**  
2 **THIS SECTION.**

3           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4           October 1, 2009.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.