

# HOUSE BILL 1187

M3

9lr0981

---

By: **Delegate Manno**

Introduced and read first time: February 13, 2009

Assigned to: Environmental Matters

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Dishwashing Detergent Containing Phosphorus – Penalties**

3 FOR the purpose of altering the penalty for selling, manufacturing, or distributing  
4 certain household dishwashing detergents after a certain date; and generally  
5 relating to dishwashing detergents containing phosphorus.

6 BY repealing and reenacting, without amendments,  
7 Article – Environment  
8 Section 9–1503  
9 Annotated Code of Maryland  
10 (2007 Replacement Volume and 2008 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article – Environment  
13 Section 9–1505  
14 Annotated Code of Maryland  
15 (2007 Replacement Volume and 2008 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Environment**

19 9–1503.

20 (a) Except as provided in subsection (b) of this section, a person may not use,  
21 sell, manufacture, or distribute for use or sale within the State any cleaning agent  
22 that contains more than 0.0 percent phosphorus by weight expressed as elemental  
23 phosphorus except for an amount not exceeding 0.5 percent phosphorus that is  
24 incidental to manufacturing.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Except as provided in subsection (c) of this section, a person may use, sell,  
2 manufacture, or distribute for use or sale a cleaning agent that contains greater than  
3 0.0 percent phosphorus by weight, but does not exceed 8.7 percent phosphorus by  
4 weight that is:

5 (1) A detergent used in a dishwashing machine, whether commercial  
6 or household; or

7 (2) A substance the Secretary, by rule and regulation, excludes from  
8 the 0.0 percent phosphorus limitation of subsection (a) of this section based on a  
9 finding that compliance with this section would:

10 (i) Create a significant hardship on the user; or

11 (ii) Be unreasonable because of the lack of an adequate  
12 substitute cleaning agent.

13 (c) After July 1, 2010, a person may not use, sell, manufacture, or distribute  
14 for use or sale within the State any detergent for use in a household dishwashing  
15 machine that contains more than 0.5 percent phosphorus by weight.

16 9–1505.

17 (a) (1) Any person who uses a cleaning agent in violation of this subtitle is  
18 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

19 (2) (I) **[Any] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**  
20 **THIS PARAGRAPH, ANY** person who sells, distributes, or manufactures a cleaning  
21 agent in violation of this subtitle is guilty of a misdemeanor and on conviction is  
22 subject to a fine not exceeding \$1,000.

23 **(II) ANY PERSON WHO SELLS, DISTRIBUTES, OR**  
24 **MANUFACTURES A CLEANING AGENT IN VIOLATION OF § 9–1503(C) OF THIS**  
25 **SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A**  
26 **FINE NOT EXCEEDING \$10,000.**

27 (b) The Department may seize any cleaning agent held for sale or  
28 distribution in violation of this subtitle. The seized cleaning agents are considered  
29 forfeited.

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