

SENATE BILL 1021

M3

9lr3357
CF HB 1187

By: **Senator Harrington**

Introduced and read first time: March 4, 2009

Assigned to: Rules

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.