

# SENATE BILL 213

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HB 15/09 – HGO

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CF HB 33

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By: **Senators Frosh, Dyson, Exum, Garagiola, Gladden, Harrington, Jones, Kelley, Lenett, Madaleno, Peters, Pinsky, Pugh, Raskin, and Rosapepe**  
Introduced and read first time: January 21, 2010  
Assigned to: Finance

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## A BILL ENTITLED

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 providing for a certain penalty; defining certain terms; and generally relating to  
8 certain toys and child care articles containing bisphenol-A.

9 BY adding to  
10 Article – Health – General  
11 Section 24–304  
12 Annotated Code of Maryland  
13 (2009 Replacement Volume)

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

16 **Article – Health – General**

17 **24–304.**

18 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
19 **MEANINGS INDICATED.**

20 **(2) “CHILD CARE ARTICLE” MEANS A CONSUMER PRODUCT**  
21 **DESIGNED OR INTENDED BY THE MANUFACTURER TO FACILITATE SLEEP OR**  
22 **THE FEEDING OF CHILDREN UNDER THE AGE OF 4 YEARS OR TO HELP A CHILD**  
23 **WITH SUCKING OR TEETHING.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1           **(3) “CHILDREN’S TOY” MEANS A TOY OR ANY OTHER CONSUMER**  
2 **PRODUCT DESIGNED OR INTENDED BY THE MANUFACTURER FOR A CHILD**  
3 **UNDER THE AGE OF 13 YEARS FOR USE BY A CHILD WHEN THE CHILD PLAYS.**

4           **(B) ON OR AFTER JANUARY 10, 2011, A PERSON MAY NOT**  
5 **MANUFACTURE, SELL, OR DISTRIBUTE IN COMMERCE ANY CHILDREN’S TOY OR**  
6 **CHILD CARE ARTICLE CONTAINING BISPHENOL-A.**

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

8                   **(1) SHALL USE THE LEAST TOXIC ALTERNATIVE WHEN**  
9 **REPLACING BISPHENOL-A; AND**

10                   **(2) MAY NOT REPLACE BISPHENOL-A WITH:**

11                   **(I) CARCINOGENS RATED BY THE UNITED STATES**  
12 **ENVIRONMENTAL PROTECTION AGENCY AS GROUP A, B, OR C CARCINOGENS;**  
13 **OR**

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

17           **(D) A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A**  
18 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING**  
19 **\$10,000 FOR EACH VIOLATION.**

20           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2010.