

SENATE BILL 751

M3

(1lr2486)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Environmental Matters* —

Introduced by **Senator Manno**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of ~~altering the~~ establishing a certain penalty for knowingly selling,
4 ~~manufacturing,~~ or distributing for use or sale within the State certain
5 household dishwashing detergents ~~after a certain date;~~ establishing that each
6 ~~pound of a cleaning agent sold, distributed, or manufactured in violation of a~~
7 ~~certain provision of law is a separate violation;~~ repealing obsolete language; and
8 generally relating to dishwashing detergents containing phosphorus.

9 BY repealing and reenacting, with amendments,
10 Article – Environment
11 Section 9–1503 and 9–1505
12 Annotated Code of Maryland
13 (2007 Replacement Volume and 2010 Supplement)

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.

Italics indicate opposite chamber/conference committee amendments.



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

3 **Article – Environment**

4 9–1503.

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

10 (b) Except as provided in subsection (c) of this section, a person may use, sell,
11 manufacture, or distribute for use or sale a cleaning agent that contains greater than
12 0.0 percent phosphorus by weight, but does not exceed 8.7 percent phosphorus by
13 weight that is:

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

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

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

20 (ii) Be unreasonable because of the lack of an adequate
21 substitute cleaning agent.

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

25 9–1505.

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

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

32 (II) ~~1.~~ **ANY PERSON WHO KNOWINGLY SELLS, OR**
33 **DISTRIBUTES, OR MANUFACTURES A CLEANING AGENT FOR USE OR SALE**

1 WITHIN THE STATE A DETERGENT FOR USE IN A HOUSEHOLD DISHWASHING
 2 MACHINE IN VIOLATION OF § 9-1503(C) OF THIS SUBTITLE IS GUILTY OF A
 3 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF \$1,000 FOR EACH
 4 VIOLATION BUT NOT EXCEEDING A TOTAL OF \$500,000.

5 ~~2. EACH POUND OF A CLEANING AGENT SOLD,~~
 6 ~~DISTRIBUTED, OR MANUFACTURED IN VIOLATION OF § 19-1503(C) OF THIS~~
 7 ~~SUBTITLE IS A SEPARATE VIOLATION.:~~

8 1. FOR A FIRST OFFENSE, A FINE NOT EXCEEDING
 9 \$1,000; OR

10 2. FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE
 11 OF NOT LESS THAN \$1,000 AND NOT EXCEEDING \$50,000 \$25,000.

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 16 October 1, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.