

## Chapter 285

(Senate Bill 751)

AN ACT concerning

### Environment – Dishwashing Detergent Containing Phosphorus – Penalties

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

BY repealing and reenacting, with amendments,

Article – Environment

Section 9–1503 and 9–1505

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

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

#### Article – Environment

9–1503.

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

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

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

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

- (i) Create a significant hardship on the user; or
- (ii) Be unreasonable because of the lack of an adequate substitute cleaning agent.

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

9-1505.

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

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

**(II) ~~1. ANY PERSON WHO KNOWINGLY SELLS, OR DISTRIBUTES, OR MANUFACTURES A CLEANING AGENT FOR USE OR SALE WITHIN THE STATE A DETERGENT FOR USE IN A HOUSEHOLD DISHWASHING MACHINE IN VIOLATION OF § 9-1503(C) OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF \$1,000 FOR EACH VIOLATION BUT NOT EXCEEDING A TOTAL OF \$500,000.~~**

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

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

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

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

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

**Approved by the Governor, May 10, 2011.**