

HOUSE BILL 727

M3

2lr2093

By: **Delegates Waldstreicher and Hubbard**

Introduced and read first time: February 8, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Healthy Kids, Healthy Maryland – Toxic Chemical Identification and**
3 **Reduction**

4 FOR the purpose of requiring the Department of the Environment, in consultation
5 with the Department of Health and Mental Hygiene, to publish on its Web site
6 lists of certain chemicals of concern and certain chemicals of high concern
7 designated in accordance with certain criteria on or before certain dates;
8 providing for the updating of the lists at certain intervals; authorizing the
9 Department to adopt certain regulations to implement this Act; providing for
10 the application of this Act; defining certain terms; and generally relating to
11 toxic chemicals in children’s products.

12 BY adding to

13 Article – Environment

14 Section 6–1501 through 6–1505 to be under new subtitle “Subtitle 15. Toxic
15 Chemicals in Children’s Products”

16 Annotated Code of Maryland

17 (2007 Replacement Volume and 2011 Supplement)

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

20 **Article – Environment**

21 **SUBTITLE 15. TOXIC CHEMICALS IN CHILDREN’S PRODUCTS.**

22 **6–1501.**

23 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
24 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) “BIOACCUMULATIVE” MEANS A CHEMICAL SUBSTANCE OR MIXTURE**
2 **THAT CAN SIGNIFICANTLY ACCUMULATE IN BIOTA AS INDICATED THROUGH**
3 **MONITORING DATA OR THAT IS HIGHLY LIKELY TO ACCUMULATE IN BIOTA AS**
4 **INDICATED BY OTHER EVIDENCE, AS DETERMINED BY THE SECRETARY.**

5 **(C) “CHEMICAL” MEANS A SUBSTANCE WITH A DISTINCT MOLECULAR**
6 **COMPOSITION OR A GROUP OF STRUCTURALLY RELATED SUBSTANCES,**
7 **INCLUDING THE PRODUCTS THAT FORM THROUGH THE DECOMPOSITION,**
8 **DEGRADATION, OR METABOLISM OF A SUBSTANCE.**

9 **(D) “CHEMICAL OF CONCERN” MEANS A CHEMICAL IDENTIFIED BY THE**
10 **DEPARTMENT UNDER § 6-1503 OF THIS SUBTITLE.**

11 **(E) “CHEMICAL OF HIGH CONCERN” MEANS A CHEMICAL IDENTIFIED**
12 **BY THE DEPARTMENT UNDER § 6-1504 OF THIS SUBTITLE.**

13 **(F) “CHILD” MEANS AN INDIVIDUAL WHO IS UNDER THE AGE OF 18**
14 **YEARS.**

15 **(G) “CHILDREN’S PRODUCT” MEANS:**

16 **(1) A CONSUMER PRODUCT INTENDED FOR, MADE FOR, OR**
17 **MARKETED FOR USE BY A CHILD UNDER THE AGE OF 12 YEARS, INCLUDING**
18 **BABY PRODUCTS, TOYS, CAR SEATS, COSMETICS, PERSONAL CARE PRODUCTS,**
19 **CLOTHING, AND JEWELRY; AND**

20 **(2) A CONSUMER PRODUCT THAT, WHEN USED OR DISPOSED OF,**
21 **IS LIKELY TO EXPOSE A CHILD UNDER THE AGE OF 12 YEARS OR A FETUS TO A**
22 **CHEMICAL OF CONCERN OR CHEMICAL OF HIGH CONCERN CONTAINED IN THE**
23 **PRODUCT.**

24 **(H) “CONSUMER PRODUCT” MEANS AN ITEM SOLD FOR RESIDENTIAL OR**
25 **COMMERCIAL USE, INCLUDING COMPONENT PARTS AND PACKAGING, THAT IS**
26 **SOLD FOR:**

27 **(1) INDOOR USE IN A RESIDENCE, CHILD CARE FACILITY, OR**
28 **SCHOOL; OR**

29 **(2) OUTDOOR USE IN A RESIDENCE IF A CHILD UNDER THE AGE**
30 **OF 12 YEARS MAY HAVE DIRECT CONTACT WITH THE ITEM.**

1 **(I) “CREDIBLE SCIENTIFIC EVIDENCE” MEANS THE RESULTS OF A**
2 **STUDY THAT:**

3 **(1) HAS AN EXPERIMENTAL DESIGN AND CONDUCT THAT HAS**
4 **UNDERGONE INDEPENDENT SCIENTIFIC PEER REVIEW; AND**

5 **(2) IS PUBLISHED IN:**

6 **(I) A PEER-REVIEWED JOURNAL; OR**

7 **(II) A PUBLICATION OF AN AUTHORITATIVE FEDERAL OR**
8 **INTERNATIONAL GOVERNMENTAL AGENCY, INCLUDING THE DEPARTMENT OF**
9 **HEALTH AND HUMAN SERVICES’ NATIONAL TOXICOLOGY PROGRAM, FOOD**
10 **AND DRUG ADMINISTRATION, CENTERS FOR DISEASE CONTROL AND**
11 **PREVENTION, ENVIRONMENTAL PROTECTION AGENCY, WORLD HEALTH**
12 **ORGANIZATION, AND EUROPEAN CHEMICALS AGENCY.**

13 **6-1502.**

14 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THIS**
15 **SUBTITLE DOES NOT APPLY TO:**

16 **(1) CHEMICALS IN USED CHILDREN’S PRODUCTS;**

17 **(2) MOTOR VEHICLES AND THEIR COMPONENT PARTS;**

18 **(3) A CHEMICAL OF CONCERN OR CHEMICAL OF HIGH CONCERN:**

19 **(I) GENERATED SOLELY AS A BY-PRODUCT OF**
20 **COMBUSTION; OR**

21 **(II) IN A COMBUSTIBLE FUEL;**

22 **(4) RETAILERS;**

23 **(5) A TELECOMMUNICATIONS SERVICE PROVIDER WHOSE NAME**
24 **APPEARS ON A TELECOMMUNICATIONS DEVICE BUT THAT DOES NOT**
25 **MANUFACTURE THE DEVICE; OR**

26 **(6) A CONTAINER OR PACKAGING FOR FOOD OR BEVERAGES.**

27 **(B) THIS SUBTITLE APPLIES TO:**

1 **(1) CHILD CAR SEATS; AND**

2 **(2) CONTAINERS OR PACKAGING FOR FOOD OR BEVERAGES THAT**
3 **ARE SPECIFICALLY MARKETED OR INTENDED FOR USE BY A MINOR 12 YEARS OF**
4 **AGE OR UNDER.**

5 **6-1503.**

6 **(A) ON OR BEFORE JANUARY 1, 2014, THE DEPARTMENT, IN**
7 **CONSULTATION WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE,**
8 **SHALL PUBLISH ON ITS WEB SITE A LIST OF CHEMICALS OF CONCERN**
9 **DESIGNATED IN ACCORDANCE WITH THIS SECTION.**

10 **(B) THE DEPARTMENT MAY DESIGNATE A CHEMICAL AS A CHEMICAL OF**
11 **CONCERN IF THE DEPARTMENT DETERMINES THAT THE CHEMICAL HAS BEEN**
12 **IDENTIFIED BY AN AUTHORITATIVE GOVERNMENTAL ENTITY ON THE BASIS OF**
13 **CREDIBLE SCIENTIFIC EVIDENCE AS:**

14 **(1) A CARCINOGEN, A REPRODUCTIVE OR DEVELOPMENTAL**
15 **TOXICANT, OR AN ENDOCRINE DISRUPTOR;**

16 **(2) PERSISTENT, BIOACCUMULATIVE, AND TOXIC; OR**

17 **(3) VERY PERSISTENT AND VERY BIOACCUMULATIVE.**

18 **(C) THE DEPARTMENT MAY UPDATE THE LIST OF CHEMICALS OF**
19 **CONCERN AS OFTEN AS NECESSARY.**

20 **6-1504.**

21 **(A) ON OR BEFORE JANUARY 1, 2014, THE DEPARTMENT, IN**
22 **CONSULTATION WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE,**
23 **SHALL PUBLISH ON ITS WEB SITE A LIST OF CHEMICALS OF HIGH CONCERN.**

24 **(B) THE DEPARTMENT MAY DESIGNATE A CHEMICAL AS A CHEMICAL OF**
25 **HIGH CONCERN IF:**

26 **(1) THE DEPARTMENT DETERMINES THAT THERE IS CREDIBLE**
27 **SCIENTIFIC EVIDENCE THAT THE CHEMICAL IS:**

28 **(i) A REPRODUCTIVE OR DEVELOPMENTAL TOXICANT; OR**

1 **(II) AN ENDOCRINE DISRUPTOR OR HUMAN CARCINOGEN;**
2 **AND**

3 **(2) THERE IS STRONG CREDIBLE SCIENTIFIC EVIDENCE THAT**
4 **THE CHEMICAL OF HIGH CONCERN HAS BEEN:**

5 **(I) FOUND, THROUGH BIOMONITORING, TO BE PRESENT IN:**

6 1. **HUMAN BLOOD;**

7 2. **HUMAN BREAST MILK;**

8 3. **HUMAN URINE; OR**

9 4. **OTHER BODILY FLUIDS OR TISSUES;**

10 **(II) FOUND, THROUGH SAMPLING AND ANALYSIS, TO BE**
11 **PRESENT:**

12 1. **IN HOUSEHOLD DUST;**

13 2. **IN INDOOR AIR;**

14 3. **IN DRINKING WATER; OR**

15 4. **ELSEWHERE IN THE HOME ENVIRONMENT; OR**

16 **(III) ADDED TO OR IS PRESENT IN A CONSUMER PRODUCT**
17 **USED OR PRESENT IN THE HOME.**

18 **(C) ON OR BEFORE JANUARY 1, 2015, AND EVERY 2 YEARS**
19 **THEREAFTER, THE DEPARTMENT MAY UPDATE THE LIST OF CHEMICALS OF**
20 **HIGH CONCERN AND PUBLISH THE REVISED LIST ON ITS WEB SITE.**

21 **6-1505.**

22 **THE DEPARTMENT MAY ADOPT REGULATIONS AS NECESSARY TO**
23 **IMPLEMENT THIS SUBTITLE.**

24 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
25 **October 1, 2012.**