

# HOUSE BILL 99

J1, M3  
HB 107/12 – HGO

3lr1461

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By: **Delegate Hubbard**

Introduced and read first time: January 15, 2013

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Child Care Products Containing Flame–Retardant Chemicals**  
3 **(TRIS) – Prohibition**

4 FOR the purpose of prohibiting a person from selling or offering for sale certain child  
5 care products containing certain flame–retardant chemicals (TRIS) on or after a  
6 certain date; providing that this Act does not apply to the sale or distribution of  
7 a child care product that is resold, offered for resale, or distributed by a  
8 consumer for consumer use; providing for certain penalties; authorizing a court  
9 to enjoin certain actions; requiring the Department of Health and Mental  
10 Hygiene to adopt certain regulations on or before a certain date; defining  
11 certain terms; and generally relating to child care products containing TRIS.

12 BY adding to

13 Article – Health – General

14 Section 24–306

15 Annotated Code of Maryland

16 (2009 Replacement Volume and 2012 Supplement)

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

19 **Article – Health – General**

20 **24–306.**

21 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
22 **MEANINGS INDICATED.**

23 **(2) “CHILD CARE PRODUCT” MEANS A CONSUMER PRODUCT**  
24 **INTENDED FOR USE BY A CHILD UNDER THE AGE OF 4 YEARS, INCLUDING A**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BABY PRODUCT, TOY, CAR SEAT, NURSING PILLOW, CRIB MATTRESS, AND  
2 STROLLER.

3 (3) "TRIS" MEANS TCEP (TRIS (2-CHLOROETHYL) PHOSPHATE).

4 (B) THIS SECTION DOES NOT APPLY TO THE SALE OR DISTRIBUTION OF  
5 A CHILD CARE PRODUCT THAT IS RESOLD, OFFERED FOR RESALE, OR  
6 DISTRIBUTED BY A CONSUMER FOR CONSUMER USE.

7 (C) A PERSON MAY NOT SELL OR OFFER FOR SALE ANY CHILD CARE  
8 PRODUCT THAT:

9 (1) CONTAINS TRIS; AND

10 (2) IS INTENDED FOR USE BY A CHILD UNDER THE AGE OF 4  
11 YEARS.

12 (D) (1) A PERSON THAT VIOLATES THIS SECTION IS SUBJECT TO:

13 (I) FOR A FIRST VIOLATION, A CIVIL PENALTY NOT  
14 EXCEEDING \$1,000; AND

15 (II) FOR ANY SUBSEQUENT VIOLATION, A CIVIL PENALTY  
16 NOT EXCEEDING \$2,500 FOR EACH VIOLATION.

17 (2) IN ADDITION TO THE CIVIL PENALTIES PROVIDED IN  
18 PARAGRAPH (1) OF THIS SUBSECTION, A COURT MAY ENJOIN AN ACTION  
19 PROHIBITED BY THIS SECTION.

20 (E) ON OR BEFORE JANUARY 1, 2014, THE DEPARTMENT SHALL ADOPT  
21 REGULATIONS TO CARRY OUT THIS SECTION.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2013.