

# HOUSE BILL 99

J1, M3  
HB 107/12 – HGO

3lr1461

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By: ~~Delegate Hubbard~~ Delegates Hubbard and V. Turner

Introduced and read first time: January 15, 2013

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 20, 2013

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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

15 BY adding to  
16 Article – Health – General  
17 Section 24–306  
18 Annotated Code of Maryland  
19 (2009 Replacement Volume and 2012 Supplement)

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

22 **Article – Health – General**

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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.



1 24-306.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
3 MEANINGS INDICATED.

4 (2) "CHILD CARE PRODUCT" MEANS A CONSUMER PRODUCT  
5 INTENDED FOR USE BY A CHILD UNDER THE AGE OF 4 3 YEARS, INCLUDING A  
6 BABY PRODUCT, TOY, CAR SEAT, NURSING PILLOW, CRIB MATTRESS, AND  
7 STROLLER.

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

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

13 (C) A PERSON MAY NOT IMPORT, SELL, OR OFFER FOR SALE ANY CHILD  
14 CARE PRODUCT THAT:

15 (1) CONTAINS ~~TRIS~~ MORE THAN ONE-TENTH OF 1% OF TCEP BY  
16 MASS; AND

17 (2) IS INTENDED FOR USE BY A CHILD UNDER THE AGE OF 4 3  
18 YEARS.

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

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

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

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

27 (E) THE SECRETARY MAY SUSPEND IMPLEMENTATION OF SUBSECTION  
28 (C) OF THIS SECTION IF THE SECRETARY DETERMINES THAT THE FIRE SAFETY  
29 BENEFITS OF TCEP ARE GREATER THAN THE HEALTH RISKS ASSOCIATED WITH  
30 TCEP.

1           ~~(E)~~ (F)           **ON OR BEFORE JANUARY 1, 2014, THE DEPARTMENT SHALL**  
2 **ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.