

**Department of Legislative Services**  
Maryland General Assembly  
2013 Session

**FISCAL AND POLICY NOTE**

Senate Bill 618  
Finance

(Senator Astle)

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**Public Health - Baby Bumper Pads - Restrictions on Sale**

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This bill specifies that baby bumper pads that comply with American Society for Testing and Materials (ASTM) standards (1) are not a hazardous material for purposes of regulation by the Secretary of Health and Mental Hygiene and (2) may be shipped or sold to a purchaser in the State. The bill further specifies that its provisions supersede any regulations adopted by the Secretary that restrict the sale of baby bumper pads in the State.

The bill takes effect June 1, 2013.

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**Fiscal Summary**

**State Effect:** The bill does not directly affect governmental operations or finances.

**Local Effect:** The bill does not directly affect governmental operations or finances.

**Small Business Effect:** Minimal.

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**Analysis**

**Current Law:** Baby bumper pads are declared, in regulations, to be a hazardous material and may not be shipped or sold to a purchaser in the State beginning June 21, 2013. (“Baby bumper pads” are pads of nonmesh material resting directly above the mattress in a crib, running the circumference or along the length of any of the interior sides of the crib, and intended to be used until the age that an infant pulls to stand.) However, regulations further specify that, after notification that ASTM has adopted a new voluntary standard for baby bumper pads, the Secretary may provide an opportunity

for public comment on whether the new standard should replace this prohibition. Within 60 days after the close of public comment, the Secretary may issue an order permitting the sale of baby bumper pads that comply with the new ASTM standard if the Secretary determines that such bumper pads are not a danger to the public health and safety. Furthermore, the Secretary may issue an order suspending the prohibition on the sale of baby bumper pads if the Consumer Product Safety Commission affirmatively finds that the benefits of certain baby bumper pads exceed the risks.

The Secretary of Health and Mental Hygiene may, in accordance with the Administrative Procedure Act and for the protection of the public health and safety, adopt rules and regulations that (1) declare a substance to be a hazardous material and (2) require the removal of any hazardous material if the Secretary finds that the material is a danger to, and proper labeling cannot adequately protect, the public health and safety.

**Background:** Bumper pads are pieces of cushioned lining designed to be attached to the inner portions of the sides of an infant’s crib from birth until the infant begins to pull to stand, at approximately six to nine months of age. According to the Department of Health and Mental Hygiene (DHMH), some pediatric experts and health agencies – citing evidence that bumper pads have been a causal factor in fatal asphyxiation of infants – have expressed concern that the use of bumper pads is an unsafe sleep practice. According to DHMH, there are three potential mechanisms for the risk of asphyxiation and death: direct contact of the bumper with the face of the infant; obstruction of sufficient air flow by the face being very close to the bumper pad; and strangulation from the straps or ties to the bumper.

DHMH has advised that, annually in Maryland, approximately 50 infants die from Sudden Infant Death Syndrome, Sudden Unexplained Death of Infancy, or accidental suffocation and strangulation – all of which may be associated with unsafe sleep arrangements. In light of these concerns, the department initiated a review of crib bumper pads in April 2011.

After receiving public comment and input from two advisory panels consisting of pediatric and other experts who reviewed autopsy reports and other data, the department found that “the risk of death from crib bumper pads, while small, is real” and that the risk “is not offset by evidence for significant benefit to infants of bumper pads.” Panel members noted that the cause of an infant death in a crib can be “multifactorial” and that further research is needed but concluded that there is a rare but concerning risk of death from crib bumpers. Panel members noted, moreover, an absence of data on the benefits of bumper pads in cribs.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - February 26, 2013  
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