

SENATE BILL 618

J1, P3

3lr0702
CF 3lr2114

By: **Senator Astle**

Introduced and read first time: February 1, 2013

Assigned to: Finance

A BILL ENTITLED

AN ACT concerning

Public Health – Baby Bumper Pads – Restrictions on Sale

FOR the purpose of providing that baby bumper pads that comply with certain standards are not a hazardous material for certain purposes; authorizing baby bumper pads that comply with certain standards to be shipped and sold to a purchaser in the State; providing that certain provisions of this Act supersede certain regulations adopted by the Secretary of Health and Mental Hygiene; defining certain terms; and generally relating to the sale of baby bumper pads in the State.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 22–501
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 22–502
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY adding to
Article – Health – General
Section 22–502.1
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Health – General

22–501.

(a) In this subtitle, “hazardous material” means:

(1) Any substance that may cause substantial personal injury or substantial illness from customary or reasonably foreseeable handling or use, or ingestion by children, and is:

(i) Toxic;

(ii) Corrosive;

(iii) Flammable or combustible;

(iv) An irritant;

(v) A strong sensitizer; or

(vi) A substance that generates pressure by decomposition, heat, or other means; or

(2) Any other substance that the Secretary declares to be hazardous material under § 22–502 of this subtitle.

(b) In this subtitle, “hazardous material” does not include:

(1) Any food, drug, or cosmetic that is subject to the Federal Food, Drug, and Cosmetic Act or Title 21, Subtitle 2 of this article;

(2) A fuel that is a household substance as defined in § 22–301 of this title; or

(3) A pesticide that is subject to the Federal Insecticide, Fungicide, and Rodenticide Act unless the pesticide is contained in an article that, because it contains the pesticide, is as hazardous as any substance described in subsection (a) of this section.

22–502.

(a) **[In] SUBJECT TO § 22–502.1 OF THIS SUBTITLE AND IN** accordance with the Administrative Procedure Act, for the protection of the public health and safety, the Secretary may adopt rules and regulations that:

(1) Declare to be a hazardous material any substance that the Secretary finds:

- (i) Meets the standards for being a hazardous material;
 - (ii) Is a toy or other substance intended for use by children that presents an electrical, mechanical, or thermal hazard; or
 - (iii) Needs to be declared a hazardous material to remove any uncertainty as to whether it is hazardous material;
- (2) Set requirements for labeling hazardous material; and
- (3) Declare any hazardous material to be a banned hazardous material and require its removal from commerce if the Secretary finds that:
- (i) The hazardous material is a danger to the public health and safety; and
 - (ii) Proper labeling cannot protect the public health and safety adequately.
- (b) To the extent the Secretary finds to be consistent with protecting the public health and safety adequately, the Secretary shall adopt rules and regulations that exempt or partially exempt hazardous material from the labeling requirements if compliance with labeling requirements is impractical or unnecessary:
- (1) Because of the size of the package that contains the hazardous material;
 - (2) Because the hazard is minor; or
 - (3) For other good reason.

22-502.1.

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

(2) “ASTM STANDARDS” MEANS THE STANDARD CONSUMER SAFETY PERFORMANCE SPECIFICATIONS FOR INFANT BEDDING AND RELATED ACCESSORIES SET BY THE AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM).

(3) “BABY BUMPER PADS” MEANS A PAD OR PADS MADE OF FABRIC AND FILLED WITH A NATURAL OR MAN-MADE FIBROUS MATERIAL, MADE OF NONMESH MATERIAL, OR MADE OF MESH MATERIAL RESTING DIRECTLY ABOVE THE MATTRESS IN A CRIB, RUNNING THE CIRCUMFERENCE OF THE CRIB

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.

(B) BABY BUMPER PADS THAT COMPLY WITH ASTM STANDARDS:

(1) ARE NOT A HAZARDOUS MATERIAL, AS DEFINED IN § 22-501 OF THIS SUBTITLE; AND

(2) MAY BE SHIPPED OR SOLD TO A PURCHASER IN THE STATE.

(C) THE PROVISIONS OF THIS SECTION SUPERSEDE ANY REGULATIONS ADOPTED BY THE SECRETARY THAT RESTRICT THE SALE OF BABY BUMPER PADS IN THE STATE.

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