

HOUSE BILL 229

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4lr0863

By: ~~Delegate Hubbard~~ **Delegates Hubbard, Bromwell, Cullison, A. Kelly,
Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Tarrant, and V. Turner**

Introduced and read first time: January 17, 2014

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 19, 2014

CHAPTER _____

1 AN ACT concerning

2 **Public Health – Child Care Products Containing Flame-Retardant Chemicals**
3 **– TDCPP – 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;
6 authorizing the Secretary of Health and Mental Hygiene to suspend
7 implementation of certain provisions of this Act if the Secretary makes a certain
8 determination; requiring the Department of Health and Mental Hygiene to
9 adopt certain regulations on or before a certain date; defining a certain term;
10 and generally relating to child care products containing flame-retardant
11 chemicals known as TDCPP.

12 BY repealing and reenacting, with amendments,
13 Article – Health – General
14 Section 24-306
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2013 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**

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 meanings indicated.

3 (2) “Child care product” means a consumer product intended for use by
4 a child under the age of 3 years, including a baby product, toy, car seat, nursing pillow,
5 crib mattress, and stroller.

6 (3) “TCEP” means (tris (2–chloroethyl) phosphate).

7 (4) **“TDCPP” MEANS (TRIS (1, 3–DICHLORO–2–PROPYL)**
8 **PHOSPHATE).**

9 (b) This section does not apply to the sale or distribution of a child care
10 product that is resold, offered for resale, or distributed by a consumer for consumer
11 use.

12 (c) A person may not import, sell, or offer for sale any child care product
13 that:

14 (1) Contains more than one–tenth of 1% of **TCEP OR TDCPP** by
15 mass; and

16 (2) Is intended for use by a child under the age of 3 years.

17 (d) (1) A person that violates this section is subject to:

18 (i) For a first violation, a civil penalty not exceeding \$1,000;
19 and

20 (ii) For any subsequent violation, a civil penalty not exceeding
21 \$2,500 for each violation.

22 (2) In addition to the civil penalties provided in paragraph (1) of this
23 subsection, a court may enjoin an action prohibited by this section.

24 (e) The Secretary may suspend implementation of subsection (c) of this
25 section if the Secretary determines that the fire safety benefits of **TCEP OR TDCPP**
26 are greater than the health risks associated with **TCEP OR TDCPP**.

27 (f) On or before January 1, [2014] **2015**, the Department shall adopt
28 regulations to carry out this section.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2014.