

# HOUSE BILL 415

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By: **Delegates O'Donnell and Kelly**

Introduced and read first time: February 9, 2015

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Cedar Hope Chests – Prohibition on Manufacture, Import, and Sale**  
3 **(McKenna's Law)**

4 FOR the purpose of prohibiting a person from manufacturing, importing, selling, or offering  
5 for sale a cedar hope chest; providing for certain penalties; exempting from certain  
6 penalties the sale or distribution of a cedar hope chest that is resold, offered for  
7 resale, or distributed by a consumer for consumer use; authorizing a court to enjoin  
8 certain actions; defining a certain term; requiring the Department of Health and  
9 Mental Hygiene to develop and implement a certain public awareness program and  
10 to adopt certain regulations; and generally relating to the manufacture, import, and  
11 sale of cedar hope chests.

12 BY adding to  
13 Article – Health – General  
14 Section 24–307  
15 Annotated Code of Maryland  
16 (2009 Replacement Volume and 2014 Supplement)

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

19 **Article – Health – General**

20 **24–307.**

21 **(A) IN THIS SECTION, “CEDAR HOPE CHEST” MEANS A CHEST MADE OF**  
22 **CEDAR THAT:**

23 **(1) HAS A LID LATCH THAT LOCKS AUTOMATICALLY WHEN THE LID IS**  
24 **CLOSED;**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2) CANNOT BE UNLOCKED FROM THE INSIDE OF THE CHEST; AND**

2           **(3) HAS A DESIGN THAT HAS BEEN IDENTIFIED BY THE UNITED**  
3 **STATES CONSUMER PRODUCT SAFETY COMMISSION AS PRESENTING A RISK OF**  
4 **SUFFOCATION DEATH TO CHILDREN WHO COULD BECOME ENTRAPPED IN THE**  
5 **CHEST.**

6           **(B) A PERSON MAY NOT IMPORT, SELL, OR OFFER OR MANUFACTURE FOR**  
7 **SALE A CEDAR HOPE CHEST.**

8           **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**  
9 **PERSON THAT VIOLATES THIS SECTION IS SUBJECT TO:**

10                   **(I) FOR A FIRST VIOLATION, A CIVIL PENALTY NOT EXCEEDING**  
11 **\$1,000; AND**

12                   **(II) FOR EACH SUBSEQUENT VIOLATION, A CIVIL PENALTY NOT**  
13 **EXCEEDING \$2,500.**

14           **(2) THE CIVIL PENALTIES PROVIDED IN PARAGRAPH (1) OF THIS**  
15 **SUBSECTION DO NOT APPLY TO THE SALE OR DISTRIBUTION OF A CEDAR HOPE**  
16 **CHEST THAT IS RESOLD, OFFERED FOR RESALE, OR DISTRIBUTED BY A CONSUMER**  
17 **FOR CONSUMER USE.**

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

21           **(D) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A PUBLIC**  
22 **AWARENESS PROGRAM DESIGNED TO EDUCATE THE GENERAL PUBLIC ABOUT THE**  
23 **HAZARD OF SUFFOCATION DEATH THAT CEDAR HOPE CHESTS PRESENT TO**  
24 **CHILDREN.**

25           **(E) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO**  
26 **IMPLEMENT THE PROVISIONS OF THIS SECTION.**

27           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2015.