

# HOUSE BILL 84

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By: **Delegate Angel**

Introduced and read first time: January 12, 2018

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Child Care Products Containing Flame–Retardant Chemicals –**  
3 **Prohibition**

4 FOR the purpose of prohibiting a person from importing, selling, or offering for sale certain  
5 child care products containing certain amounts of certain flame–retardant chemicals  
6 and intended for use by a child under a certain age; authorizing the Secretary of  
7 Health to suspend implementation of certain provisions of this Act if the Secretary  
8 makes a certain determination; altering the date by which the Maryland Department  
9 of Health is required to adopt certain regulations; defining certain terms; altering a  
10 certain definition; and generally relating to child care products containing  
11 flame–retardant chemicals.

12 BY repealing and reenacting, with amendments,  
13 Article – Health – General  
14 Section 24–306  
15 Annotated Code of Maryland  
16 (2015 Replacement Volume and 2017 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 24–306.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) **“ADDITIVE TBBPA” MEANS TETRABROMOBISPHENOL A,**  
23 **CHEMICAL ABSTRACTS SERVICE NUMBER 79–94–7, IN A FORM THAT HAS NOT**  
24 **UNDERGONE A REACTIVE PROCESS AND IS NOT COVALENTLY BONDED TO A**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **POLYMER IN A PRODUCT OR PRODUCT COMPONENT.**

2           [(2)] (3)       “Child care product” means a consumer product intended for use  
3 by a child under the age of [3] 12 years, including a baby product, toy, car seat, nursing  
4 pillow, crib mattress, and stroller.

5           (4)       “**DECABDE**” MEANS DECABROMODIPHENYL ETHER, CHEMICAL  
6 ABSTRACTS SERVICE NUMBER 1163-19-5.

7           (5)       “**HBCD**” MEANS HEXABROMOCYCLODODECANE, CHEMICAL  
8 ABSTRACTS SERVICE NUMBER 25637-99-4.

9           [(3)] (6)       “TCEP” means (tris (2-chloroethyl) phosphate).

10          [(4)] (7)       “TDCPP” means (tris (1, 3-dichloro-2-propyl) phosphate).

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

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

14               (1)       Contains more than one-tenth of 1% of **DECABDE, HBCD, ADDITIVE**  
15 **TBBPA, TCEP, or TDCPP** by mass; and

16               (2)       Is intended for use by a child under the age of [3] 12 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; and

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

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

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

27          (f)       On or before January 1, [2015] 2019, the Department shall adopt regulations  
28 to carry out this section.

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

1 October 1, 2018.