

HOUSE BILL 1147

M3

4lr1508

By: **Delegates Guyton, Lehman, Allen, Ebersole, Forbes, Holmes, Pasteur, Ruth, and Stein**

Introduced and read first time: February 7, 2024

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Playground Surfacing Materials – Prohibitions**

3 FOR the purpose of prohibiting, on or after a certain date, a person from using, supplying,
4 selling, soliciting, or offering for sale playground surfacing materials that contain
5 certain concentrations of certain chemicals for the construction or renovation of the
6 ground surface of a playground in the State; prohibiting a county, municipality, or
7 unit of local government from adopting any ordinance, rule, or regulation related to
8 the use of certain playground surfacing materials that is less stringent than the
9 requirements of this Act; requiring a certain manufacturer to establish and provide
10 to the Department of the Environment a certain certificate of compliance under
11 certain circumstances; and generally relating to playground surfacing materials.

12 BY adding to

13 Article – Environment

14 Section 6–16A–01 through 6–16A–05 to be under the new subtitle “Subtitle 16A.
15 Playground Surfacing Materials”

16 Annotated Code of Maryland

17 (2013 Replacement Volume and 2023 Supplement)

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

20 **Article – Environment**

21 **SUBTITLE 16A. PLAYGROUND SURFACING MATERIALS.**

22 **6–16A–01.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (B) "PAH" MEANS POLYCYCLIC AROMATIC HYDROCARBONS.

4 (C) "PFAS" MEANS PER- AND POLYFLUOROALKYL SUBSTANCES.

5 (D) "PLAYGROUND" MEANS A PUBLIC OUTDOOR RECREATION AREA FOR
6 CHILDREN EQUIPPED WITH ONE OR MORE PLAY STRUCTURES.

7 (E) "PLAYGROUND SURFACING MATERIALS" MEANS PRODUCTS,
8 MATERIALS, OR SUBSTANCES USED OR INSTALLED ON THE GROUND SURFACE OF A
9 PLAYGROUND IN THE STATE.

10 **6-16A-02.**

11 (A) EXCEPT AS PROVIDED IN THIS SECTION, THIS SUBTITLE DOES NOT LIMIT
12 THE POWER OF A COUNTY, MUNICIPALITY, OR UNIT OF LOCAL GOVERNMENT TO
13 ADOPT ORDINANCES, RULES, OR REGULATIONS RELATED TO PLAYGROUND
14 SURFACING MATERIALS THAT CONTAIN PAH, PFAS, OR LEAD.

15 (B) A COUNTY, MUNICIPALITY, OR UNIT OF LOCAL GOVERNMENT MAY NOT
16 ADOPT ANY ORDINANCE, RULE, OR REGULATION RELATED TO PLAYGROUND
17 SURFACING MATERIALS THAT CONTAIN PAH, PFAS, OR LEAD THAT IS LESS
18 STRINGENT THAN THE REQUIREMENTS OF THIS SUBTITLE.

19 (C) THIS SUBTITLE DOES NOT AFFECT THE AUTHORITY OF A COUNTY,
20 MUNICIPALITY, OR UNIT OF LOCAL GOVERNMENT TO ENACT AND ENFORCE
21 STANDARDS OR REQUIREMENTS RELATED TO PLAYGROUND SURFACING MATERIALS
22 THAT CONTAIN PAH, PFAS, OR LEAD THAT ARE MORE STRINGENT THAN THE
23 REQUIREMENTS OF THIS SUBTITLE.

24 **6-16A-03.**

25 (A) ON OR AFTER OCTOBER 1, 2024, A PERSON MAY NOT USE, SUPPLY, SELL,
26 SOLICIT, OR OFFER FOR SALE IN THE STATE PLAYGROUND SURFACING MATERIALS
27 THAT CONTAIN:

28 (1) MORE THAN 90 PARTS PER MILLION OF LEAD;

29 (2) FLUORINATED ORGANIC CHEMICALS THAT CONTAIN AT LEAST 1
30 FULLY FLUORINATED CARBON ATOM, INCLUDING PFAS SUBSTANCES; AND

1 **(3) MORE THAN 20 MILLIGRAMS PER KILOGRAM OF PAH.**

2 **(B) A MANUFACTURER THAT MANUFACTURES, SELLS, OFFERS FOR SALE,**
3 **OR DISTRIBUTES FOR USE IN THE STATE PLAYGROUND SURFACING MATERIALS**
4 **SHALL ESTABLISH A CERTIFICATE OF COMPLIANCE TO ATTEST THAT THE**
5 **PLAYGROUND SURFACING MATERIALS ARE IN COMPLIANCE WITH THE**
6 **REQUIREMENTS OF THIS SUBTITLE.**

7 **(C) ON REQUEST OF THE DEPARTMENT AND WITHIN 30 DAYS AFTER THE**
8 **REQUEST IS MADE, A MANUFACTURER SHALL PROVIDE THE CERTIFICATE OF**
9 **COMPLIANCE ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION TO THE**
10 **DEPARTMENT.**

11 **6-16A-04.**

12 **THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.**

13 **6-16A-05.**

14 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE**
15 **PROVISIONS OF §§ 9-334 THROUGH 9-341 AND 9-343 THROUGH 9-344 OF THIS**
16 **ARTICLE APPLY TO ENFORCE VIOLATIONS OF:**

17 **(1) THIS SUBTITLE;**

18 **(2) ANY REGULATION ADOPTED UNDER THIS SUBTITLE; OR**

19 **(3) ANY ORDER ISSUED UNDER THIS SUBTITLE.**

20 **(B) A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO:**

21 **(1) A CIVIL PENALTY UP TO \$2,500 FOR EACH VIOLATION; OR**

22 **(2) AN ADMINISTRATIVE PENALTY UP TO \$2,500 FOR EACH**
23 **VIOLATION, BUT NOT EXCEEDING \$100,000 TOTAL.**

24 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
25 **October 1, 2024.**