

HOUSE BILL 56

J1

8lr0901

(PRE-FILED)

By: **Delegate Hubbard**

Requested: October 17, 2007

Introduced and read first time: January 9, 2008

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Phthalates and Bisphenol-A – Prohibitions – Toys and Child Care Articles**

3 FOR the purpose of prohibiting the manufacture, sale, or distribution of certain toys or
4 child care articles containing bisphenol-A or certain phthalates; requiring a
5 person to use the least toxic alternative and prohibiting a person from using
6 certain carcinogens or certain reproductive toxicants when complying with a
7 certain provision of this Act; providing for a certain penalty; defining certain
8 terms; and generally relating to certain toys and child care articles containing
9 bisphenol-A or certain phthalates.

10 BY adding to

11 Article – Health – General

12 Section 24-304

13 Annotated Code of Maryland

14 (2005 Replacement Volume and 2007 Supplement)

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

17 **Article – Health – General**

18 **24-304.**

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

21 (2) “CHILD CARE ARTICLE” MEANS A PRODUCT DESIGNED OR
22 INTENDED BY THE MANUFACTURER TO FACILITATE SLEEP, RELAXATION, OR
23 THE FEEDING OF A CHILD OR TO HELP A CHILD WITH SUCKING OR TEETHING.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) "TOY" MEANS A PRODUCT DESIGNED OR INTENDED BY THE**
2 **MANUFACTURER TO BE USED BY A CHILD WHEN THE CHILD PLAYS.**

3 **(B) (1) ON OR AFTER JANUARY 1, 2010, A PERSON MAY NOT**
4 **MANUFACTURE, SELL, OR DISTRIBUTE IN COMMERCE ANY TOY OR CHILD CARE**
5 **ARTICLE:**

6 **(I) INTENDED FOR USE BY A CHILD UNDER THE AGE OF 6**
7 **YEARS AND CONTAINING BISPHENOL-A;**

8 **(II) CONTAINING DIETHYLHEXYL PHTHALATE (DEHP),**
9 **DIBUTYL PHTHALATE (DBP), OR BUTYL BENZYL PHTHALATE (BBP) IN**
10 **CONCENTRATIONS EXCEEDING 0.1%; OR**

11 **(III) INTENDED FOR USE BY A CHILD UNDER THE AGE OF 6**
12 **YEARS IF THE TOY OR CHILD CARE ARTICLE:**

13 **1. CAN BE PLACED IN THE MOUTH OF THE CHILD;**
14 **AND**

15 **2. CONTAINS DIISONONYL PHTHALATE (DINP),**
16 **DIISODECYL PHTHALATE (DIDP), OR DI-N-OCTYL PHTHALATE (DNOP) IN**
17 **CONCENTRATIONS EXCEEDING 0.1%.**

18 **(2) IN COMPLYING WITH PARAGRAPH (1) OF THIS SUBSECTION, A**
19 **PERSON:**

20 **(I) SHALL USE THE LEAST TOXIC ALTERNATIVE WHEN**
21 **REPLACING BISPHENOL-A AND PHTHALATES; AND**

22 **(II) MAY NOT REPLACE BISPHENOL-A OR PHTHALATES**
23 **WITH:**

24 **1. CARCINOGENS RATED BY THE UNITED STATES**
25 **ENVIRONMENTAL PROTECTION AGENCY AS GROUP A, B, OR C CARCINOGENS;**
26 **OR**

27 **2. REPRODUCTIVE TOXICANTS THAT CAUSE BIRTH**
28 **DEFECTS, REPRODUCTIVE HARM, OR DEVELOPMENT HARM AS IDENTIFIED BY**
29 **THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.**

1 (C) A PERSON THAT VIOLATES ANY PROVISION OF THIS SECTION IS
2 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
3 EXCEEDING \$10,000 FOR EACH VIOLATION.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2008.