

# SENATE BILL 175

J1

5lr0985

---

By: **Senators Manno, Lee, Montgomery, Pinsky, and Raskin**

Introduced and read first time: January 30, 2015

Assigned to: Finance

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Sales Receipts Containing Bisphenol–A – Prohibition**

3 FOR the purpose of prohibiting a person from manufacturing, knowingly selling, or  
4 distributing in commerce any sales receipt containing bisphenol–A on or after a  
5 certain date, except under certain circumstances; requiring a person to use a safe  
6 and legal alternative when replacing bisphenol–A in sales receipts; prohibiting a  
7 person from replacing bisphenol–A in sales receipts with certain carcinogens or  
8 reproductive toxicants; providing a certain penalty for a violation this Act;  
9 authorizing the Secretary of Health and Mental Hygiene to suspend implementation  
10 of this Act under certain circumstances; and generally relating to sales receipts  
11 containing bisphenol–A.

12 BY repealing and reenacting, with amendments,  
13 Article – Health – General  
14 Section 24–304  
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 24–304.

21 (a) (1) In this section, “child care article” means an empty bottle or cup to be  
22 filled with food or liquid that is designed or intended by a manufacturer to be used by a  
23 child under the age of 4 years.

24 (2) If a federal law regulating the use of bisphenol–A in child care articles  
25 is enacted, “child care article” shall be defined as specified in the federal law.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) On or after January 1, 2012, a person may not manufacture, knowingly sell,  
2 or distribute in commerce any child care article containing bisphenol-A.

3 (c) Except as provided in subsection ~~[(g)]~~(H) of this section, on or after July 1,  
4 2014:

5 (1) The State may not purchase infant formula in containers containing  
6 more than 0.5 parts per billion of bisphenol-A; and

7 (2) A person may not manufacture, knowingly sell, or distribute in  
8 commerce a container of infant formula containing more than 0.5 parts per billion of  
9 bisphenol-A.

10 **(D) EXCEPT AS PROVIDED BY SUBSECTION (H) OF THIS SECTION, ON OR**  
11 **AFTER JANUARY 1, 2017, A PERSON MAY NOT MANUFACTURE, KNOWINGLY SELL, OR**  
12 **DISTRIBUTE IN COMMERCE ANY SALES RECEIPT CONTAINING BISPHENOL-A.**

13 ~~[(d)]~~ (E) In complying with subsections (b) [and (c)], (C), AND (D) of this section,  
14 a person:

15 (1) Shall use a safe and legal alternative when replacing bisphenol-A; and

16 (2) May not replace bisphenol-A with:

17 (i) Carcinogens rated by the United States Environmental  
18 Protection Agency as Group A, B, or C carcinogens; or

19 (ii) Reproductive toxicants that cause birth defects, reproductive  
20 harm, or developmental harm as identified by the United States Environmental Protection  
21 Agency.

22 ~~[(e)]~~ (F) A person that violates this section is guilty of a misdemeanor and on  
23 conviction is subject to a fine not exceeding \$10,000 for each violation.

24 ~~[(f)]~~ (G) On or before January 1, 2012, the Department shall adopt regulations  
25 to carry out subsection (b) of this section.

26 ~~[(g)]~~ (H) If the Secretary certifies that the safety concerns for bisphenol-A are  
27 resolved by additional research or if implementation of subsection (c) of this section would  
28 adversely affect the health or well-being of children or adults, the Secretary may suspend  
29 implementation of ~~[subsection (c)]~~ **SUBSECTIONS (C) AND (D)** of this section.

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