

Chapter 46

(Senate Bill 213)

AN ACT concerning

Child Care Articles ~~and Toys~~ Containing Bisphenol-A – Prohibition

FOR the purpose of prohibiting the manufacture, sale, or distribution of certain ~~toys or~~ child care articles containing bisphenol-A; requiring a person to use the least toxic alternative; prohibiting a person from using certain carcinogens or certain reproductive toxicants when complying with a certain provision of this Act; requiring the Department of Health and Mental Hygiene to adopt certain regulations on or before a certain date; providing for a certain penalty; defining ~~certain terms~~ a certain term; and generally relating to certain ~~toys and~~ child care articles containing bisphenol-A.

BY adding to

Article – Health – General
Section 24-304
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Health – General

24-304.

(A) (1) ~~IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) “CHILD CHILD CARE ARTICLE” MEANS A CONSUMER PRODUCT DESIGNED OR INTENDED BY THE MANUFACTURER TO FACILITATE SLEEP OR THE FEEDING OF CHILDREN UNDER THE AGE OF 4 YEARS OR TO HELP A CHILD WITH SUCKING OR TEETHING AN EMPTY BOTTLE OR CUP TO BE FILLED WITH FOOD OR LIQUID THAT IS DESIGNED OR INTENDED BY A MANUFACTURER TO BE USED BY A CHILD UNDER THE AGE OF 4 YEARS.~~

(2) IF A FEDERAL LAW REGULATING THE USE OF BISPHENOL-A IN CHILD CARE ARTICLES IS ENACTED, “CHILD CARE ARTICLE” SHALL BE DEFINED AS SPECIFIED IN THE FEDERAL LAW.

~~(3) "CHILDREN'S TOY" MEANS A TOY OR ANY OTHER CONSUMER PRODUCT DESIGNED OR INTENDED BY THE MANUFACTURER FOR A CHILD UNDER THE AGE OF 13 YEARS FOR USE BY A CHILD WHEN THE CHILD PLAYS.~~

(B) ON OR AFTER ~~JANUARY 10, 2011~~ JANUARY 1, 2012, A PERSON MAY NOT MANUFACTURE, KNOWINGLY SELL, OR DISTRIBUTE IN COMMERCE ANY ~~CHILDREN'S TOY OR~~ CHILD CARE ARTICLE CONTAINING BISPHENOL-A.

(C) IN COMPLYING WITH SUBSECTION (B) OF THIS SECTION, A PERSON:

(1) SHALL USE THE LEAST TOXIC ALTERNATIVE WHEN REPLACING BISPHENOL-A; AND

(2) MAY NOT REPLACE BISPHENOL-A WITH:

(I) CARCINOGENS RATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AS GROUP A, B, OR C CARCINOGENS; OR

(II) REPRODUCTIVE TOXICANTS THAT CAUSE BIRTH DEFECTS, REPRODUCTIVE HARM, OR DEVELOPMENTAL HARM AS IDENTIFIED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

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

(E) ON OR BEFORE JANUARY 1, 2011, THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2010.

Approved by the Governor, April 13, 2010.