

HOUSE BILL 206

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7lr1219

By: **Delegates Angel, Cullison, Bromwell, Hayes, Kelly, Morales, Pena-Melnyk, Platt, Sample-Hughes, and K. Young**

Introduced and read first time: January 20, 2017

Assigned to: Health and Government Operations

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 or furniture containing certain flame-retardant chemicals;
6 authorizing the Secretary of Health and Mental Hygiene to suspend implementation
7 of certain provisions of this Act if the Secretary makes a certain determination;
8 requiring the Department of Health and Mental Hygiene to adopt certain regulations
9 on or before a certain date; providing for the application of this Act; defining certain
10 terms; altering a certain definition; and generally relating to child care products and
11 furniture containing 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 2016 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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

(4) “FURNITURE” MEANS UPHOLSTERED FURNITURE DESIGNED FOR RESIDENTIAL USE.

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

(6) “TBBPA” MEANS TETRABROMOBISPHENOL A, CHEMICAL ABSTRACTS SERVICE NUMBER 79-94-7.

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

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

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

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

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

(2) Is intended for use by a child under the age of [3] 12 years.

(d) (1) A person that violates this section is subject to:

(i) For a first violation, a civil penalty not exceeding \$1,000; and

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

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

(e) The Secretary may suspend implementation of subsection (c) of this section if the Secretary determines that the fire safety benefits of DECABDE, HBCD, TBBPA,

1 TCEP, or TDCPP are greater than the health risks associated with **DECABDE, HBCD,**
2 **TBBPA**, TCEP, or TDCPP.

3 (f) On or before January 1, **[2015] 2018**, the Department shall adopt regulations
4 to carry out this section.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2017.