

SENATE BILL 151

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By: **Senators Frosh, Benson, Gladden, Jones–Rodwell, Kelley, Klausmeier, Madaleno, Manno, Middleton, Montgomery, Peters, Pinsky, Pugh, Raskin, Rosapepe, and Zirkin**

Introduced and read first time: January 24, 2011

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Child Care Articles – Bisphenol–A – Prohibition**

3 FOR the purpose of prohibiting the manufacture, sale, or distribution of certain child
4 care articles containing bisphenol–A on or after a certain date; requiring the
5 Department of Health and Mental Hygiene to adopt certain regulations on or
6 before a certain date; altering a certain definition; making stylistic and
7 conforming changes; and generally relating to prohibitions on bisphenol–A in
8 child care articles.

9 BY repealing and reenacting, with amendments,
10 Article – Health – General
11 Section 24–304
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2010 Supplement)

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

16 **Article – Health – General**

17 24–304.

18 (a) (1) In this section, “child care article” means [an]:

19 (I) AN empty bottle or cup to be filled with food or liquid that is
20 designed or intended by a manufacturer to be used by a child under the age of 4 years;
21 AND

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) A CAN, A JAR, OR ANY OTHER CONTAINER THAT HOLDS**
2 **A LIQUID, FOOD, OR BEVERAGE INTENDED PRIMARILY FOR CONSUMPTION BY A**
3 **CHILD UNDER THE AGE OF 4 YEARS.**

4 (2) If a federal law regulating the use of bisphenol-A in child care
5 articles is enacted, "child care article" shall be defined as specified in the federal law.

6 (b) **(1)** On or after January 1, 2012, a person may not manufacture,
7 knowingly sell, or distribute in commerce any child care article **DESCRIBED IN**
8 **SUBSECTION (A)(1)(I) OF THIS SECTION** containing bisphenol-A.

9 **(2) ON OR AFTER JANUARY 1, 2013, A PERSON MAY NOT**
10 **MANUFACTURE, KNOWINGLY SELL, OR DISTRIBUTE IN COMMERCE ANY CHILD**
11 **CARE ARTICLE DESCRIBED IN SUBSECTION (A)(1)(II) OF THIS SECTION**
12 **CONTAINING BISPHENOL-A.**

13 (c) In complying with subsection (b) of this section, a person:

14 (1) Shall use the least toxic alternative when replacing bisphenol-A;
15 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
21 Protection Agency.

22 (d) 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 (e) **(1)** On or before January 1, 2011, the Department shall adopt
25 regulations to carry out **SUBSECTION (B)(1) OF** this section.

26 **(2) ON OR BEFORE JANUARY 1, 2012, THE DEPARTMENT SHALL**
27 **ADOPT REGULATIONS TO CARRY OUT SUBSECTION (B)(2) OF THIS SECTION.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 July 1, 2011.