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

AN ACT concerning

Child Care Articles – Bisphenol–A – Prohibition

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

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

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, “child care article” means [an]:

(i) 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; AND
(II) A can, a jar, or any other container that holds a liquid, food, or beverage intended primarily for consumption 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.

(b) (1) On or after January 1, 2012, a person may not manufacture, knowingly sell, or distribute in commerce any child care article described in subsection (A)(1)(I) of this section containing bisphenol–A.

(2) On or after January 1, 2013, a person may not manufacture, knowingly sell, or distribute in commerce any child care article described in subsection (A)(1)(II) of this section 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) (1) On or before January 1, 2011, the Department shall adopt regulations to carry out subsection (B)(1) of this section.

(2) On or before January 1, 2012, the Department shall adopt regulations to carry out subsection (B)(2) of this section.

Section 2. And be it further enacted, That this Act shall take effect July 1, 2011.