

HOUSE BILL 4

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11r0376

(PRE-FILED)

By: **Delegate Hubbard**

Requested: September 23, 2010

Introduced and read first time: January 12, 2011

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Containers Manufactured with Bisphenol-A – Prohibition**

3 FOR the purpose of prohibiting the manufacture, sale, or distribution of certain cans,
4 jars, or other containers containing a certain amount of bisphenol-A if the cans,
5 jars, or other containers contain a liquid, food, or beverage intended primarily
6 for consumption by a child under a certain age; prohibiting the manufacture,
7 sale, or distribution of sports water bottles containing bisphenol-A; requiring
8 the Department of Health and Mental Hygiene to adopt certain regulations on
9 or before a certain date; and generally relating to containers and bisphenol-A.

10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section 24-304
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2010 Supplement)

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

17 **Article – Health – General**

18 24-304.

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

22 (2) If a federal law regulating the use of bisphenol-A in child care
23 articles 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
2 sell, or distribute in commerce any **OF THE FOLLOWING ITEMS:**

3 (1) A child care article containing bisphenol-A;

4 (2) A CAN, JAR, OR OTHER CONTAINER CONTAINING
5 BISPHENOL-A AT A LEVEL OF .5 PARTS PER BILLION, IF THE CAN, JAR, OR
6 OTHER CONTAINER CONTAINS A LIQUID, FOOD, OR BEVERAGE INTENDED
7 PRIMARILY FOR CONSUMPTION BY A CHILD UNDER THE AGE OF 4 YEARS; OR

8 (3) A SPORTS WATER BOTTLE CONTAINING BISPHENOL-A.

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

10 (1) Shall use the least toxic alternative when replacing bisphenol-A;
11 and

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

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

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

18 (d) A person that violates this section is guilty of a misdemeanor and on
19 conviction is subject to a fine not exceeding \$10,000 for each violation.

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

22 (2) **ON OR BEFORE JULY 1, 2011, THE DEPARTMENT SHALL**
23 **ADOPT REGULATIONS TO CARRY OUT SUBSECTION (B)(2) AND (3) OF THIS**
24 **SECTION.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 June 1, 2011.