

HOUSE BILL 935

I3, E4

11r2252

By: **Delegate Stein**

Introduced and read first time: February 11, 2011

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Ceramic Fire Pots – Warning Label**

3 FOR the purpose of prohibiting a person from selling or distributing a ceramic fire pot
4 unless a certain warning is printed legibly on the package or on a certain label;
5 requiring the State Fire Marshal to establish the form of a certain warning by
6 regulation; providing for the enforcement of this Act; providing that a person
7 who knowingly and willfully violates a certain provision of this Act is guilty of a
8 misdemeanor and subject to a fine not exceeding a certain amount; defining a
9 certain term; and generally relating to the sale and distribution of ceramic fire
10 pots.

11 BY repealing and reenacting, without amendments,
12 Article – Commercial Law
13 Section 13–101(a), (c), and (e)
14 Annotated Code of Maryland
15 (2005 Replacement Volume and 2010 Supplement)

16 BY adding to
17 Article – Commercial Law
18 Section 13–320
19 Annotated Code of Maryland
20 (2005 Replacement Volume and 2010 Supplement)

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

23 **Article – Commercial Law**

24 13–101.

25 (a) In this title the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) (1) "Consumer" means an actual or prospective purchaser, lessee, or
2 recipient of consumer goods, consumer services, consumer realty, or consumer credit.

3 (2) "Consumer" includes:

4 (i) A co-obligator or surety for a consumer; or

5 (ii) A licensee or recipient of computer information or computer
6 programs under a consumer contract as defined in § 22-102 of this article.

7 (e) "Division" means the Division of Consumer Protection of the Office of the
8 Attorney General.

9 **13-320.**

10 (A) (1) **IN THIS SECTION, "CERAMIC FIRE POT" MEANS A PORTABLE**
11 **CERAMIC CONTAINER THAT IS DESIGNED TO HOLD A FLAMMABLE LIQUID FUEL**
12 **OR FLAMMABLE GELATINOUS FUEL AND IS MARKETED FOR USE BY CONSUMERS.**

13 (2) **"CERAMIC FIRE POT" DOES NOT INCLUDE A DEVICE USED FOR**
14 **COOKING.**

15 (B) **A PERSON MAY NOT SELL OR DISTRIBUTE A CERAMIC FIRE POT**
16 **UNLESS A CONSPICUOUS WARNING, IN THE FORM PRESCRIBED BY THE STATE**
17 **FIRE MARSHAL, IS PRINTED LEGIBLY ON THE PACKAGING IN WHICH THE**
18 **CERAMIC FIRE POT IS PLACED OR ON A LABEL SECURELY ATTACHED TO THE**
19 **CERAMIC FIRE POT.**

20 (C) **THE STATE FIRE MARSHAL SHALL ESTABLISH BY REGULATION THE**
21 **FORM OF THE WARNING REQUIRED UNDER SUBSECTION (B) OF THIS SECTION,**
22 **WHICH SHALL INCLUDE A STATEMENT REGARDING THE FIRE AND SAFETY**
23 **HAZARDS ASSOCIATED WITH THE USE OF CERAMIC FIRE POTS.**

24 (D) (1) **THE ATTORNEY GENERAL AND THE STATE FIRE MARSHAL**
25 **SHALL ENFORCE THIS SECTION UNDER THE ENFORCEMENT POWERS PROVIDED**
26 **IN THIS TITLE AND IN THE PUBLIC SAFETY ARTICLE.**

27 (2) **THE FIRE DEPARTMENT OF BALTIMORE CITY SHALL REPORT**
28 **TO THE DIVISION ANY VIOLATION OF THIS SECTION WHICH IT FINDS.**

29 (E) **ANY PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES THE**
30 **PROVISIONS OF SUBSECTION (B) OF THIS SECTION IS GUILTY OF A**
31 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING**
32 **\$5,000.**

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