

SENATE BILL 320

M3

(11r0690)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Environmental Matters* —

Introduced by **Senators Montgomery, Frosh, Kelley, Madaleno, Manno, Raskin,
and Rosapepe**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Environment – Phosphorus – Commercial Dishwashing Detergent**

3 FOR the purpose of prohibiting a person from using, selling, manufacturing, or
4 distributing for use or sale certain commercial dishwashing detergents that
5 contain greater than a certain amount of phosphorus after a certain date;
6 repealing certain obsolete language; and generally relating to phosphorus in
7 commercial dishwashing detergents.

8 BY repealing and reenacting, with amendments,

9 Article – Environment

10 Section 9–1503

11 Annotated Code of Maryland

12 (2007 Replacement Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



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

3 **Article – Environment**

4 9–1503.

5 (a) Except as provided in subsection (b) of this section, a person may not use,
6 sell, manufacture, or distribute for use or sale within the State any cleaning agent
7 that contains more than 0.0 percent phosphorus by weight expressed as elemental
8 phosphorus except for an amount not exceeding 0.5 percent phosphorus that is
9 incidental to manufacturing.

10 (b) Except as provided in subsection (c) of this section, a person may use, sell,
11 manufacture, or distribute for use or sale a cleaning agent that contains greater than
12 0.0 percent phosphorus by weight, but does not exceed 8.7 percent phosphorus by
13 weight that is:

14 (1) A detergent used in a **COMMERCIAL** dishwashing machine[,
15 whether commercial or household]; or

16 (2) A substance the Secretary, by rule and regulation, excludes from
17 the 0.0 percent phosphorus limitation of subsection (a) of this section based on a
18 finding that compliance with this section would:

19 (i) Create a significant hardship on the user; or

20 (ii) Be unreasonable because of the lack of an adequate
21 substitute cleaning agent.

22 (c) **(1)** ~~After [July 1, 2010] **JANUARY 1, 2013**, a **A** person may not use,~~
23 ~~sell, manufacture, or distribute for use or sale within the State any detergent for use~~
24 ~~in a [household] **COMMERCIAL** dishwashing machine that contains more than 0.5~~
25 ~~percent phosphorus by weight.~~

26 **(2) AFTER ~~JANUARY~~ *JULY 1, 2013*, A PERSON MAY NOT USE,**
27 **SELL, MANUFACTURE, OR DISTRIBUTE FOR USE OR SALE WITHIN THE STATE**
28 **ANY DETERGENT FOR USE IN A COMMERCIAL DISHWASHING MACHINE THAT**
29 **CONTAINS MORE THAN 0.5 PERCENT PHOSPHORUS BY WEIGHT.**

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