

SENATE BILL 618

J1, P3

3lr0702
CF 3lr2114

By: **Senator Astle**

Introduced and read first time: February 1, 2013

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Baby Bumper Pads – Restrictions on Sale**

3 FOR the purpose of providing that baby bumper pads that comply with certain
4 standards are not a hazardous material for certain purposes; authorizing baby
5 bumper pads that comply with certain standards to be shipped and sold to a
6 purchaser in the State; providing that certain provisions of this Act supersede
7 certain regulations adopted by the Secretary of Health and Mental Hygiene;
8 defining certain terms; and generally relating to the sale of baby bumper pads
9 in the State.

10 BY repealing and reenacting, without amendments,
11 Article – Health – General
12 Section 22–501
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2012 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Health – General
17 Section 22–502
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2012 Supplement)

20 BY adding to
21 Article – Health – General
22 Section 22–502.1
23 Annotated Code of Maryland
24 (2009 Replacement Volume and 2012 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Health – General**

2 22–501.

3 (a) In this subtitle, “hazardous material” means:

4 (1) Any substance that may cause substantial personal injury or
5 substantial illness from customary or reasonably foreseeable handling or use, or
6 ingestion by children, and is:

7 (i) Toxic;

8 (ii) Corrosive;

9 (iii) Flammable or combustible;

10 (iv) An irritant;

11 (v) A strong sensitizer; or

12 (vi) A substance that generates pressure by decomposition, heat,
13 or other means; or14 (2) Any other substance that the Secretary declares to be hazardous
15 material under § 22–502 of this subtitle.

16 (b) In this subtitle, “hazardous material” does not include:

17 (1) Any food, drug, or cosmetic that is subject to the Federal Food,
18 Drug, and Cosmetic Act or Title 21, Subtitle 2 of this article;19 (2) A fuel that is a household substance as defined in § 22–301 of this
20 title; or21 (3) A pesticide that is subject to the Federal Insecticide, Fungicide,
22 and Rodenticide Act unless the pesticide is contained in an article that, because it
23 contains the pesticide, is as hazardous as any substance described in subsection (a) of
24 this section.

25 22–502.

26 (a) **[In] SUBJECT TO § 22–502.1 OF THIS SUBTITLE AND IN** accordance
27 with the Administrative Procedure Act, for the protection of the public health and
28 safety, the Secretary may adopt rules and regulations that:29 (1) Declare to be a hazardous material any substance that the
30 Secretary finds:

- 1 (i) Meets the standards for being a hazardous material;
- 2 (ii) Is a toy or other substance intended for use by children that
3 presents an electrical, mechanical, or thermal hazard; or
- 4 (iii) Needs to be declared a hazardous material to remove any
5 uncertainty as to whether it is hazardous material;
- 6 (2) Set requirements for labeling hazardous material; and
- 7 (3) Declare any hazardous material to be a banned hazardous material
8 and require its removal from commerce if the Secretary finds that:
- 9 (i) The hazardous material is a danger to the public health and
10 safety; and
- 11 (ii) Proper labeling cannot protect the public health and safety
12 adequately.
- 13 (b) To the extent the Secretary finds to be consistent with protecting the
14 public health and safety adequately, the Secretary shall adopt rules and regulations
15 that exempt or partially exempt hazardous material from the labeling requirements if
16 compliance with labeling requirements is impractical or unnecessary:
- 17 (1) Because of the size of the package that contains the hazardous
18 material;
- 19 (2) Because the hazard is minor; or
- 20 (3) For other good reason.

21 **22-502.1.**

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
23 MEANINGS INDICATED.

24 (2) "ASTM STANDARDS" MEANS THE STANDARD CONSUMER
25 SAFETY PERFORMANCE SPECIFICATIONS FOR INFANT BEDDING AND RELATED
26 ACCESSORIES SET BY THE AMERICAN SOCIETY FOR TESTING AND MATERIALS
27 (ASTM).

28 (3) "BABY BUMPER PADS" MEANS A PAD OR PADS MADE OF
29 FABRIC AND FILLED WITH A NATURAL OR MAN-MADE FIBROUS MATERIAL, MADE
30 OF NONMESH MATERIAL, OR MADE OF MESH MATERIAL RESTING DIRECTLY
31 ABOVE THE MATTRESS IN A CRIB, RUNNING THE CIRCUMFERENCE OF THE CRIB

1 OR ALONG THE LENGTH OF ANY OF THE INTERIOR SIDES OF THE CRIB, AND
2 INTENDED TO BE USED UNTIL THE AGE THAT AN INFANT PULLS TO STAND.

3 (B) BABY BUMPER PADS THAT COMPLY WITH ASTM STANDARDS:

4 (1) ARE NOT A HAZARDOUS MATERIAL, AS DEFINED IN § 22-501
5 OF THIS SUBTITLE; AND

6 (2) MAY BE SHIPPED OR SOLD TO A PURCHASER IN THE STATE.

7 (C) THE PROVISIONS OF THIS SECTION SUPERSEDE ANY REGULATIONS
8 ADOPTED BY THE SECRETARY THAT RESTRICT THE SALE OF BABY BUMPER
9 PADS IN THE STATE.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 June 1, 2013.