

Department of Legislative Services  
Maryland General Assembly  
2008 Session

FISCAL AND POLICY NOTE

House Bill 587 (Delegate Carr, *et al.*)  
Health and Government Operations

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**Cosmetics Containing Mercury - Prohibition of Sale or Distribution**

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This bill prohibits the sale or distribution of a cosmetic that contains intentionally added mercury.

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**Fiscal Summary**

**State Effect:** The bill's requirements could be handled with existing resources since the number of complaints generated by the prohibition is expected to be minimal.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The Health-General Article limits the manufacture or sale of specified items to protect the public's health. For example, a person may not manufacture or sell any food, drug, device, or cosmetic that is adulterated or misbranded.

The Maryland Department of the Environment's mercury program relates primarily to mercury-added products (dyes or pigments, electric switches, fluorescent lamps), thermostats, mercury fever thermometers, mercuric-oxide batteries, the use of mercury in schools, and public outreach and education. Chapter 494 of 2004 established prohibitions and requirements relating to the sale and reclamation or destination of mercury-added products. In general, unless a mercury-added product is labeled, a manufacturer or wholesaler may not sell the product at retail in the State or to a retailer in the State.

Unless properly labeled, a retailer may not knowingly sell a new mercury-added product in the State. Beginning October 1, 2007, Chapter 56 of 2006 prohibits a marketer from selling or providing a thermostat containing mercury to a consumer.

**Background:** Mercury exists in various forms, and people are exposed in different ways. According to the U.S. Environmental Protection Agency, the most common way people in the U.S. are exposed to mercury is by eating fish containing methylmercury. Other exposure can result from using or breaking products containing mercury. The U.S. Food and Drug Administration, the Agency for Toxic Substances and Disease Registry, and the EPA have mercury exposure guidelines of what mercury levels are thought to be safe. These standards are based on methylmercury research, rather than ethylmercury, because methylmercury is more easily bound to tissue, remains there a longer time, and is believed to be more toxic, according to the Centers for Disease Control and Prevention.

When applied topically, mercury compounds can be absorbed through the skin and accumulate in the body. They can cause allergic reactions, skin irritations, or neurotoxic symptoms. Federal law allows eye products to contain up to 65 parts per million of mercury. All other cosmetics are subject to federal regulation if they contain more than one part per million of mercury. However, in 2007, Minnesota passed a ban on the addition of any mercury in all cosmetics.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of the Environment, Department of Health and Mental Hygiene, Office of the Attorney General (Consumer Protection Division), Department of Legislative Services

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