

without substantive change from former Article 43, § 894.

Throughout this section, "representative" is substituted for "official" for clarity and to reflect more accurately the intent behind this section.

6-204. CARCINOGENIC CHEMICALS.

(A) INVESTIGATION.

THE DEPARTMENT SHALL DETERMINE WHETHER ANY CHEMICAL USED AS A FIRE RETARDANT IN A PRODUCT IS A KNOWN CARCINOGEN.

(B) PUBLIC NOTICE.

IF THE DEPARTMENT DETERMINES THAT A CHEMICAL IS A KNOWN CARCINOGEN, THE DEPARTMENT SHALL:

- (1) INFORM THE PUBLIC OF THIS DETERMINATION; AND
- (2) GIVE THE PUBLIC ANY DIRECTIONS THAT COULD REDUCE THE DANGER FROM THE CHEMICAL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 895.

The reference to determining whether a chemical is a "known carcinogen" is substituted for the language "could be carcinogenic" because the latter would require the Department to make a subjective decision on the possibility that a chemical is carcinogenic. This substitution conforms to practice.

In subsection (b)(2) of this section, "from the chemical" is new language added for clarity.

6-205. INJUNCTION.

IF A PRODUCT IS MANUFACTURED, PROCESSED, PACKAGED, HELD, OR SOLD IN VIOLATION OF THIS SUBTITLE OR ANY RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE, ON PETITION OF THE SECRETARY, THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE PRODUCT IS LOCATED MAY GRANT AN INJUNCTION FORBIDDING ALL OR ANY ONE OF THE FOLLOWING:

- (1) MANUFACTURING THE PRODUCT;
- (2) PROCESSING THE PRODUCT;
- (3) PACKAGING THE PRODUCT;