
SECOND SUBSTITUTE HOUSE BILL 1180

State of Washington

61st Legislature

2009 Regular Session

By House General Government Appropriations (originally sponsored by Representatives Dickerson, Hudgins, Campbell, Dunshee, Pedersen, Hunt, Rolfes, Appleton, Moeller, Kagi, Van De Wege, Hunter, Cody, Chase, Green, Morrell, Pettigrew, White, Williams, Simpson, and Kenney)

READ FIRST TIME 03/02/09.

1 AN ACT Relating to the use of bisphenol A; adding a new chapter to
2 Title 70 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Department" means the department of ecology.

7 (2) "Metal can" means a single walled container that is
8 manufactured from metal substrate designed to hold or pack food or
9 beverages and sealed by can ends manufactured from metal substrate.
10 The metal substrate for the can and the can ends must be equal to or
11 thinner than 0.0149 inch.

12 NEW SECTION. **Sec. 2.** Beginning July 1, 2010, no manufacturer,
13 wholesaler, or retailer may manufacture, knowingly sell, offer for
14 sale, distribute for sale, or distribute for use in this state any of
15 the following:

16 (1) Any bottle, cup, or other container, except a metal can, that
17 contains bisphenol A if that container is designed or intended to be
18 filled with any liquid, food, or beverage primarily for consumption

1 from that container by children three years of age or younger and is
2 sold or distributed at retail without containing any liquid, food, or
3 beverage; or

4 (2) Any sports water bottle that contains bisphenol A.

5 NEW SECTION. **Sec. 3.** (1) A manufacturer of products that are
6 restricted under this chapter must notify persons that sell the
7 manufacturer's products in this state about the provisions of this
8 chapter no less than ninety days prior to the effective date of the
9 restrictions.

10 (2) A manufacturer that produces, sells, or distributes a product
11 prohibited from manufacture, sale, or distribution in this state under
12 this chapter shall recall the product and reimburse the retailer or any
13 other purchaser for the product.

14 NEW SECTION. **Sec. 4.** (1) A manufacturer, wholesaler, or retailer
15 that manufacturers, knowingly sells, or distributes products in
16 violation of this chapter is subject to a civil penalty not to exceed
17 five thousand dollars for each violation in the case of a first
18 offense. Manufacturers, wholesalers, or retailers who are repeat
19 violators are subject to a civil penalty not to exceed ten thousand
20 dollars for each repeat offense. Penalties collected under this
21 section must be deposited in the state toxics control account created
22 in RCW 70.105D.070.

23 (2) Retailers who unknowingly sell products that are restricted
24 from sale under this chapter are not subject to the civil penalties
25 under this chapter.

26 NEW SECTION. **Sec. 5.** Expenses to cover the cost of administering
27 this chapter shall be paid from the toxics control account under RCW
28 70.150D.070.

29 NEW SECTION. **Sec. 6.** The department may adopt rules as necessary
30 for the purpose of implementing, administering, and enforcing this
31 chapter.

1 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute
2 a new chapter in Title 70 RCW.

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