
HOUSE BILL 2476

State of Washington 63rd Legislature 2014 Regular Session

By Representatives Overstreet, Shea, Taylor, Pike, Scott, and Buys

Read first time 01/20/14. Referred to Committee on Environment.

1 AN ACT Relating to establishing the Washington state incandescent
2 light bulb freedom act; adding a new chapter to Title 19 RCW; and
3 creating new sections.

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

5 NEW SECTION. **Sec. 1.** This act may be known and cited as the
6 Washington state incandescent light bulb freedom act.

7 NEW SECTION. **Sec. 2.** (1) The legislature finds that: (a) The
8 tenth amendment to the United States Constitution reserves to the
9 states and their people all powers not delegated to the federal
10 government and not prohibited to the states; (b) the ninth amendment to
11 the United States Constitution provides that certain rights enumerated
12 in the Constitution shall not be construed to deny or disparage other
13 rights retained by the people; and (c) the regulation of intrastate
14 commerce is vested in the states under the ninth and tenth amendments
15 to the United States Constitution.

16 (2) The legislature further finds that: (a) Current federal law
17 standards effectively ban the manufacture and sale of the incandescent
18 light bulbs that Americans buy most, standard one hundred watt

1 incandescent light bulbs (banned as of January 1, 2012), standard
2 seventy-five watt incandescent light bulbs (banned as of January 1,
3 2013), standard forty watt and sixty watt incandescent light bulbs
4 (banned as of January 1, 2014), and halogen incandescent light bulbs
5 (banned as of January 1, 2020); (b) exceptions to federal law standards
6 include specialty bulbs such as refrigerator bulbs, reflector bulbs,
7 three way bulbs, candelabra bulbs, globe bulbs, shatter-resistant
8 bulbs, vibration service bulbs, rough service bulbs, colored bulbs, bug
9 light bulbs, and plant lights; (c) fluorescent lamps (FL), compact
10 fluorescent lamps (CFL), and cold cathode fluorescent lamps (CCFL)
11 contain sufficient mercury for the environmental protection agency to
12 recommend a tedious ten-to-eleven step process for cleanup of broken
13 CFLs and a requirement that consumers take discarded bulbs to a special
14 disposal center, and dangerous mercury can escape into the air when
15 such bulbs accidentally break or inevitably break in trash cans or
16 garbage trucks; and (d) light emitting diode lamps (LED) contain lead
17 and nickel, exposure to which can create a serious health risk.

18 (3) The legislature further finds that the people of Washington
19 state know better than the federal government what type of light bulb
20 they prefer and should have the freedom to choose whether or not they
21 wish to purchase and use incandescent light bulbs or some alternative
22 to incandescent light bulbs, and if an item such as an incandescent
23 light bulb is manufactured in this state, without the inclusion of any
24 significant parts imported from another state or country, and the item
25 is offered for sale and sold only for use within the borders of
26 Washington state, the item is not in the stream of interstate commerce
27 and not subject to federal regulation under the commerce clause of the
28 United States Constitution.

29 NEW SECTION. **Sec. 3.** The definitions in this section apply
30 throughout this chapter unless the context clearly requires otherwise.

31 (1) "Borders of Washington" means the boundaries of Washington
32 state as provided for in Article XXIV, section 1 of the Washington
33 state Constitution.

34 (2) "Generic and insignificant parts" includes, but is not limited
35 to, steel, glass, springs, screws, nuts, pins, and ceramics.

36 (3) "Incandescent light bulb" means a light bulb containing a

1 filament or filaments that produce light when the filament or filaments
2 are heated due to electrical resistance.

3 NEW SECTION. **Sec. 4.** (1) An incandescent light bulb that is: (a)
4 Manufactured commercially or privately in Washington state from basic
5 materials that can be manufactured without the inclusion of any
6 significant parts imported from another state; and (b) offered for sale
7 and sold for use only within the borders of Washington state is deemed
8 to be in the stream of intrastate commerce, rather than interstate
9 commerce, and is not subject to federal law or federal regulation.

10 (2) The incorporation of generic and insignificant parts imported
11 from another state in an incandescent light bulb that is manufactured
12 and sold in Washington state pursuant to this chapter which have other
13 manufacturing or consumer product applications does not bring the
14 incandescent light bulb into interstate commerce and does not subject
15 it to federal law or federal regulation.

16 (3) Basic materials, such as unmachined and unshaped steel and
17 glass, imported from another state that are to be altered for
18 incorporation into an incandescent light bulb manufactured and sold
19 pursuant to this chapter are deemed to be an insignificant part of the
20 incandescent light bulb both prior to their alteration and after their
21 incorporation into the incandescent light bulb. If these basic
22 materials are otherwise manufactured, offered for sale, and sold
23 pursuant to this chapter, they are not in interstate commerce and are
24 not subject to federal law or federal regulation.

25 (4) An incandescent light bulb manufactured, offered for sale, or
26 sold in Washington state pursuant to this chapter must have the words,
27 "Made in Washington state for use in Washington state" clearly stamped,
28 engraved, or otherwise clearly indicated on a central part of the bulb.

29 NEW SECTION. **Sec. 5.** This act applies to incandescent light bulbs
30 that are manufactured pursuant to this chapter on or after the
31 effective date of this section.

32 NEW SECTION. **Sec. 6.** Sections 3 through 4 of this act constitute
33 a new chapter in Title 19 RCW.

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