
SENATE BILL 5543

State of Washington

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By Senators Pridemore, Oemig, Rockefeller, Fairley, Murray, Kline, Keiser, Shin, Regala, Franklin, McAuliffe, Fraser, Ranker, and Kohl-Welles

Read first time 01/26/09. Referred to Committee on Environment, Water & Energy.

1 AN ACT Relating to establishing product stewardship recycling
2 programs for mercury-containing lights; adding a new chapter to Title
3 70 RCW; prescribing penalties; providing an effective date; and
4 declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that:

7 (1) Convenient and environmentally sound product stewardship
8 programs for mercury-containing lights that include collecting,
9 transporting, and recycling mercury-containing lights will help protect
10 Washington's environment and the health of state residents;

11 (2) Product producers should finance and provide these programs.

12 NEW SECTION. **Sec. 2.** The definitions in this section apply
13 throughout this chapter unless the context clearly requires otherwise.

14 (1) "Brand" means a name, symbol, word, or mark that identifies a
15 product, rather than its components, and attributes the product to the
16 owner of the brand as the producer.

17 (2) "Covered entity" means the end user of a product, such as a

1 resident or small business, that can use a product stewardship program
2 to discard an unwanted product.

3 (3) "Covered product" means a product designated by this chapter,
4 either individually or as an item within a covered product category
5 including all materials that make up the covered product.

6 (4) "Covered product category" means a group of similar products
7 covered by this chapter.

8 (5) "Department" means the department of ecology.

9 (6) "Final disposition" means the point beyond which no further
10 processing takes place and materials from a covered product have been
11 transformed for direct use as a feedstock in producing new products or
12 disposed of or managed in permitted facilities.

13 (7) "Hazardous substances" or "hazardous materials" means those
14 substances or materials identified by rules adopted under chapter
15 70.105 RCW.

16 (8) "Mercury-containing lights" means lamps, bulbs, tubes, or other
17 devices that contain mercury and provide functional illumination in
18 homes, offices, and outdoors.

19 (9) "Orphan product" means a covered product that lacks a
20 producer's brand, or for which the producer is no longer in business
21 and has no successor in interest, or that bears a brand for which the
22 department cannot identify an owner.

23 (10) "Person" means a sole proprietorship, partnership,
24 corporation, nonprofit corporation or organization, limited liability
25 company, firm, association, cooperative, or other legal entity located
26 within or outside Washington state.

27 (11) "Processing" means recovering materials from unwanted products
28 for use as feedstock in new products.

29 (12) "Producer" means a person that:

30 (a) Has or had legal ownership of the brand, brand name, or cobrand
31 of a covered product sold in or into Washington state;

32 (b) Imports or has imported a covered product branded by a producer
33 that meets the requirements of (a) of this subsection and where that
34 producer has no physical presence in the United States;

35 (c) If (a) and (b) of this subsection do not apply, makes or made
36 an unbranded product that is sold or has been sold in or into
37 Washington state; or

1 (d)(i) Sells or sold at wholesale or retail a covered product, (ii)
2 does not have legal ownership of the brand, and (iii) elects to fulfill
3 the responsibilities of the producer for that product.

4 (13) "Product stewardship" means a requirement for a producer of a
5 covered product to manage and reduce adverse safety, health, and
6 environmental impacts of the covered product throughout its life cycle,
7 including financing and providing for the collection, transporting,
8 reusing, recycling, processing, and final disposition of their
9 products.

10 (14) "Product stewardship plan" or "plan" means a detailed plan
11 describing the manner in which a product stewardship program will be
12 implemented.

13 (15) "Product stewardship program" or "program" means the methods,
14 systems, and services financed and provided by producers of covered
15 products that addresses product stewardship and includes collecting,
16 transporting, reusing, recycling, processing, and final disposition of
17 unwanted products, including a fair share of orphan products.

18 (16) "Recycling" means transforming or remanufacturing unwanted
19 products into usable or marketable materials for use other than
20 landfill disposal or incineration. Recycling does not include energy
21 recovery or energy generation by means of combusting unwanted products
22 with or without other waste.

23 (17) "Reporting period" means the period commencing January 1st and
24 ending December 31st in the same calendar year.

25 (18) "Residuals" means nonrecyclable materials left over from
26 processing an unwanted product.

27 (19) "Retailer" means a person who offers covered products for sale
28 at retail through any means including, but not limited to, remote
29 offerings such as sales outlets, catalogs, or the internet, but does
30 not include a sale that is a wholesale transaction with a distributor
31 or a retailer.

32 (20) "Reuse" means a change in ownership of a covered product or
33 its components, parts, packaging, or shipping materials for use in the
34 same manner and purpose for which it was originally purchased, or for
35 use again, as in shipping materials, by the generator of the shipping
36 materials. "Reuse" does not include dismantling of products for the
37 purpose of recycling.

1 (21) "Small school district" means a school district with a student
2 enrollment less than two thousand.

3 (22) "Stakeholder" means a person who may have an interest in or be
4 affected by a product stewardship program.

5 (23) "Stewardship organization" means an organization designated by
6 a group of producers to act as an agent on behalf of each producer to
7 operate a product stewardship program.

8 (24) "Unwanted product" means a covered product no longer wanted by
9 its owner or that has been abandoned, discarded, or is intended to be
10 discarded by its owner.

11 NEW SECTION. **Sec. 3.** Covered product and covered product
12 categories designated under this chapter are mercury-containing lights.

13 NEW SECTION. **Sec. 4.** (1) Covered entities are residents and small
14 school districts located in Washington state and any other person
15 delivering fifteen or fewer mercury-containing lights to a collection
16 site or service participating in a product stewardship program for
17 mercury-containing lights.

18 (2)(a) All mercury-containing lights collected by product
19 stewardship programs must be recycled. Mercury and mercury-bearing
20 residuals from recycling of mercury-containing lights must be retorted
21 in properly permitted facilities.

22 (b) Mercury recovered from retorting must be recycled or placed in
23 a properly permitted hazardous waste landfill. When a facility is
24 available, mercury recovered from retorting must be placed in a
25 properly permitted mercury repository.

26 (3) Product stewardship programs for mercury-containing lights must
27 be fully implemented by January 1, 2011, and may be implemented prior
28 to rule making by the department.

29 (4) Effective January 1, 2012, all government, commercial,
30 industrial, and retail facilities and office buildings must recycle
31 their end-of-life mercury-containing general purpose lights.

32 (5) Effective January 1, 2013, all residents and other generators
33 must recycle their end-of-life mercury-containing general purpose
34 lights.

35 (6) All processors of mercury-containing lamps shall submit an

1 annual report to the department in a format provided by the department,
2 that includes the number and type of lamps received from generators in
3 the state.

4 NEW SECTION. **Sec. 5.** (1) Every producer of a covered product sold
5 in or into Washington state must participate in a product stewardship
6 program for that product.

7 (2) Every such producer must:

8 (a) Operate, either individually or jointly with other producers,
9 a product stewardship program approved by the department; or

10 (b) Enter into an agreement with a stewardship organization to
11 operate, on the producer's behalf, a product stewardship program
12 approved by the department.

13 (3) A producer, group of producers, or stewardship organization
14 must pay all administrative and operational costs associated with their
15 program.

16 (4) Product stewardship programs shall collect, free of charge,
17 unwanted products from covered entities for reuse, recycling,
18 processing, or final disposition.

19 (5) The department, or its designee, may inspect, audit, or review
20 audits of processing and disposal facilities used to fulfill the
21 requirements of a product stewardship program.

22 (6) No product stewardship program required under this chapter may
23 use federal or state prison labor for processing unwanted products.

24 NEW SECTION. **Sec. 6.** (1) As of the implementation date
25 established under this chapter for the covered product, no producer,
26 wholesaler, retailer, or other person may sell or offer for sale that
27 product to any person in this state unless the producer is
28 participating in a product stewardship program under a plan approved by
29 the department.

30 (2) Each product stewardship plan must be approved by the
31 department.

32 (3) A person selling or offering for sale a covered product in the
33 state shall receive from the producer of the covered product
34 verification that the producer is participating in an approved product
35 stewardship program prior to selling the product in or into the state.
36 A person is considered to have complied with this subsection (3) if, on

1 the date the person ordered a covered product from a producer or its
2 agent, the producer provided written verification or a facsimile
3 thereof.

4 NEW SECTION. **Sec. 7.** (1) A producer, group of producers, or
5 stewardship organization operating or intending to operate a product
6 stewardship program must, at least sixty days prior to submitting a
7 product stewardship plan to the department pursuant to subsection
8 (2)(h) of this section, provide public notice of the plan it is
9 considering for submittal. The producer, group of producers, or
10 stewardship organization must consult with stakeholders during
11 development of the plan, solicit stakeholder comments, and attempt to
12 address any stakeholder concerns regarding the plan prior to submittal.
13 Documentation of these actions must be submitted to the department at
14 the time of plan submittal.

15 (2) A producer, group of producers, or stewardship organization
16 operating or intending to operate a product stewardship program must
17 submit a product stewardship plan to the department specifying:

18 (a) Information, including contact information, regarding:

19 (i) The organization submitting the plan;

20 (ii) A list of all participating producers and their brands
21 including the trademark, if applicable; and

22 (iii) If the program is to be operated by a stewardship
23 organization, a description of management, administration, and tasks to
24 be performed by the stewardship organization.

25 (b) Recovery goals, including:

26 (i) Recovery goals for the first, second, and third years of the
27 program, expressed as pounds per capita, and an explanation of how
28 these goals reflect a significant percentage of an unwanted product
29 relative to the quantity of the unwanted product that may be available
30 for reuse or recycling; and

31 (ii) Plans to maximize reuse or recycling of packaging or shipping
32 materials that may be collected.

33 (c) A collection system, including:

34 (i) Location of collection sites and other collection services to
35 be used by the program;

36 (ii) A description of the consideration given to existing curbside
37 collection infrastructure as an appropriate collection mechanism. If

1 the curbside collection infrastructure is not utilized by the plan, a
2 written explanation must be provided citing the reasons that curbside
3 collection services are not included in the plan;

4 (iii) How unwanted products from all covered entities will be
5 collected for all cities in the state with populations greater than ten
6 thousand and in all counties of the state;

7 (iv) How the collection system will be convenient and adequate to
8 serve the needs of all covered entities in both urban and rural areas;
9 and

10 (v) How collected unwanted products will be transported to
11 processing facilities.

12 (d) A processing and disposal system, including:

13 (i) Locations, permit status, and records of any penalties,
14 violations, or regulatory orders received in the previous five years by
15 processing and disposal facilities proposed to be used by the program,
16 including all downstream processing and disposal facilities handling
17 hazardous substances and hazardous materials through final disposition;

18 (ii) A third-party audit of each processing and disposal facility
19 proposed to be used by the program for any unwanted product or
20 residuals containing hazardous substances or hazardous materials,
21 documenting compliance with all applicable laws, regulations, and
22 rules;

23 (iii) Policies and procedures to be followed by persons collecting,
24 transporting, processing, and disposing of unwanted products, including
25 how the program will ensure compliance with all applicable laws,
26 regulations, and rules;

27 (iv) A description of how unwanted products will be processed at
28 each processing facility;

29 (v) How all residuals will be disposed of or managed in permitted
30 facilities, including disposal or management of all hazardous
31 substances and hazardous materials in permitted hazardous waste
32 facilities;

33 (vi) How hazardous substances and hazardous materials will be
34 safely and securely tracked and handled from collection to final
35 disposition in compliance with this chapter, any rules adopted by the
36 department to implement this chapter, and all other applicable laws and
37 rules; and

1 (vii) Management practices that will be used by first processors
2 and their downstream vendors to ensure that hazardous substances and
3 hazardous materials are not released into the environment and will not
4 adversely impact human health.

5 (e) How the program will seek to use businesses within the state,
6 including transportation services, retailers, collection sites and
7 services, existing curbside collection services, and processing
8 facilities.

9 (f) A financing system, including:

10 (i) How the entire product stewardship program will be financed,
11 including how costs will be apportioned among and assessed upon
12 producers participating in the program; and

13 (ii) How those providing services for the collection,
14 transportation, and processing systems will be fairly compensated for
15 their services.

16 (g) Education and outreach activities, including:

17 (i) An effective advertising campaign promoting the use of the
18 program to all covered entities that includes a toll-free telephone
19 number and web site, with market saturation sufficient to ensure
20 meeting recovery goals;

21 (ii) A description of how and when information about the program
22 will be provided to retailers, wholesalers, collectors, and other
23 interested parties to disseminate to covered entities; and

24 (iii) The methodology for determining how the effectiveness of the
25 outreach activities will be measured.

26 (h) The consultation process described under subsection (1) of this
27 section, including:

28 (i) A description of the process used to consult with stakeholders
29 during development of the plan; and

30 (ii) A summary of stakeholder comments, and how any stakeholder
31 concerns were addressed.

32 (3) All plans submitted to the department must be made available
33 for public review on the department's web site and at the department's
34 headquarters.

35 NEW SECTION. **Sec. 8.** (1) A producer, group of producers, or
36 stewardship organization must submit a proposed product stewardship

1 plan to the department at least one year prior to a covered product's
2 implementation date established under this chapter.

3 (2) Within ninety days after receiving a proposed product
4 stewardship plan, the department shall determine whether the plan
5 complies with this chapter and any rules adopted to implement this
6 chapter. If it approves a plan, the department shall notify the
7 applicant of its approval. If it rejects a plan, the department shall
8 notify the applicant of its decision and its reasons for rejecting the
9 plan. An applicant whose plan has been rejected by the department must
10 submit a revised plan to the department within sixty days after
11 receiving notice of the rejection to maintain compliance with this
12 chapter.

13 (3) At least once every four years, a producer, group of producers,
14 or stewardship organization operating a product stewardship program
15 must update its product stewardship plan and submit the updated plan to
16 the department for review. The department must determine the status of
17 an updated plan within ninety days of its submittal. If the department
18 rejects an updated plan, the producer or producers of a covered product
19 participating in the product stewardship program described in the plan
20 are deemed to be out of compliance with this chapter.

21 NEW SECTION. **Sec. 9.** (1) Any proposed change to a product
22 stewardship plan must have prior approval of the department except for
23 the following:

24 (a) Additions or changes to collection locations for unwanted
25 products; or

26 (b) Additions of producers to a product stewardship program.

27 (2) The product stewardship program must inform the department of
28 changes in subsection (1)(a) and (b) of this section fifteen days prior
29 to the changes occurring.

30 NEW SECTION. **Sec. 10.** If the department determines that it is
31 necessary to protect the public from imminent danger, it may
32 immediately amend, suspend, or cancel approval of a product stewardship
33 program's product stewardship plan without giving the producer, group
34 of producers, or stewardship organization operating the program an
35 opportunity to be heard. However, the department shall give the

1 operator an opportunity to be heard through proceedings consistent with
2 the administrative procedure act, chapter 34.05 RCW, within fifteen
3 days after the date on which the department takes any of those actions.

4 NEW SECTION. **Sec. 11.** (1) On or before April 1st of each year,
5 every producer, group of producers, or stewardship organization
6 operating a product stewardship program must prepare and submit to the
7 department a report for the immediately preceding reporting period
8 describing:

9 (a) Information, including contact information, regarding:

- 10 (i) The organization submitting the report; and
- 11 (ii) A list of all participating producers and their brands and
12 trademarks, if applicable;

13 (b) Recovery rates, including:

- 14 (i) The amount, by weight, of unwanted products collected from
15 covered entities in each county in the state, including documented
16 collection and recycling or disposal of that material; and

- 17 (ii) How the program attained recovery rates established in the
18 product stewardship plan or set by the department, and, if the program
19 did not attain those recovery rates, what actions it will take during
20 the next reporting period to do so, including how it will increase and
21 improve effective, measurable outreach and education efforts;

22 (c) The collection system, including collection locations and
23 services provided for all cities in the state with populations greater
24 than ten thousand and in all counties in the state;

25 (d) The processing and disposal system, including:

- 26 (i) A list of processing and disposal facilities used and
27 locations, the weight of unwanted products processed at each processing
28 facility and disposed at each disposal facility, and a description of
29 the methods used at each processing facility;

- 30 (ii) A list of subcontractors used through final disposition that
31 processed or disposed of unwanted products containing hazardous
32 substances or hazardous materials, and subcontractor facility
33 locations;

34 (iii) Documentation and summary results of annual third-party
35 audits conducted on each processing facility and disposal facility as
36 required in section 7 of this act;

37 (iv) Final disposition of residuals;

1 (v) Any penalties, violations, or regulatory orders received during
2 the reporting period by each processing facility or disposal facility
3 that was used; and

4 (vi) Whether policies and procedures in the product stewardship
5 plan for collecting, transporting, processing, and final disposition of
6 unwanted products were followed during the reporting period, and a
7 description of any noncompliance;

8 (e) The financing system, including a description of how the system
9 met the requirements in section 7 of this act;

10 (f) The education and outreach activities implemented during the
11 reporting period, including an analysis of the effectiveness of the
12 education and outreach activities;

13 (g) How the product stewardship program complied with any other
14 elements in the plan; and

15 (h) Any other information that the department may require.

16 (2) A producer, group of producers, or stewardship organization
17 operating a product stewardship program that attains a ninety percent
18 recovery rate and a recycling rate of eighty percent is only required
19 to report to the department information specified in subsections
20 (1)(a), (b), (c), (g), and (h) of this section.

21 (3) All reports submitted to the department must be made available
22 to the public on the department's web site and at the department's
23 headquarters.

24 NEW SECTION. **Sec. 12.** By June of the third program year for each
25 product or product category, the plan operators shall establish
26 required recovery rates for the fourth and subsequent program years,
27 based on information gained in the first through third years, sales
28 data, anticipated product obsolescence, and anticipated sales growth.
29 Annual planned recovery rates shall be submitted to the department for
30 approval by September 1st prior to the program year for which the rates
31 are established. The submittal must include documentation of the
32 calculations and data used to determine the recovery rate. The
33 department shall approve, disapprove, or adjust the submitted recovery
34 rates based upon its assessment of prior year's data, sales data, and
35 other available information that supports the decision. The department
36 shall collect from each plan operator a sum twice the cost of

1 collecting, transporting, and processing a product for each unit of
2 measure the plan fails to meet its recovery rate. Units of measure may
3 be pounds, tons, or product units.

4 NEW SECTION. **Sec. 13.** (1) The department shall send a written
5 warning and a copy of this chapter and any rules adopted to implement
6 this chapter to a producer who is not participating in a product
7 stewardship program approved by the department and whose covered
8 product is being sold in or into the state.

9 (2) A producer not participating in a product stewardship program
10 approved by the department whose covered product continues to be sold
11 in or into the state sixty days after receiving a written warning from
12 the department shall be assessed a penalty of one thousand dollars for
13 each violation. A violation is the sale of one covered product.

14 (3) If any producer fails to implement its approved plan, the
15 department shall assess a penalty of up to five thousand dollars for
16 the first violation along with notification that the producer must
17 implement its plan within thirty days of the violation. After thirty
18 days, any producer failing to implement their approved plan must be
19 assessed a penalty of up to ten thousand dollars for the second and
20 each subsequent violation. A subsequent violation occurs each
21 thirty-day period that the producer fails to implement the approved
22 plan.

23 (4) The department shall send a written warning to a producer that
24 fails to submit a product stewardship plan, update or change the plan
25 when required, or submit an annual report as required under this
26 chapter. The written warning must include compliance requirements and
27 notification that the requirements must be met within sixty days. If
28 requirements are not met within sixty days, the producer will be
29 assessed a ten thousand dollar penalty per day of noncompliance
30 starting with the first day of notice of noncompliance.

31 (5) Penalties prescribed under this section must be reduced by
32 fifty percent if the producer complies within thirty days of the second
33 violation notice.

34 (6) A producer may appeal penalties prescribed under this section
35 to the pollution control hearings board.

1 NEW SECTION. **Sec. 14.** (1) The department shall provide, on its
2 web site, a list of all producers participating in product stewardship
3 programs it has approved and a list of all producers it has identified
4 as noncompliant with this chapter and any rules adopted to implement
5 this chapter.

6 (2) Product retailers must check the department's web site to
7 determine if producers of products they are selling in or into the
8 state are in compliance with this chapter. If the retailer is unsure
9 of the status of the producer or believes the producer is not in
10 compliance with this chapter, the retailer shall contact the department
11 to determine the producer's status.

12 (3) The department shall send a written warning and a copy of this
13 chapter and any rules adopted to implement this chapter to a product
14 retailer known to be selling a product in or into the state from
15 producers who are not participating in a product stewardship program or
16 who are not in compliance with this chapter and rules adopted under
17 this chapter.

18 (4) A product retailer who continues to sell a covered product from
19 a producer that is not participating in an approved product stewardship
20 program sixty days after receiving a written warning from the
21 department, must be assessed a penalty of ten thousand dollars.

22 (5) A sale or purchase of a used covered product as a casual or
23 isolated sale as defined in RCW 82.04.040 is not subject to the
24 provisions of this section.

25 (6) A person primarily engaged in the business of reuse and resale
26 of used product is not subject to the provisions of this section when
27 selling used working covered product, for use in the same manner and
28 purpose for which it was originally purchased.

29 (7) In-state retailers in possession of a covered product on the
30 date that restrictions on the sale of the covered product become
31 effective may exhaust their existing stock through sales to the public.

32 NEW SECTION. **Sec. 15.** All producers whose products are included
33 in this chapter shall pay the department ten thousand dollars annually
34 no later than January 1st of each year for each covered product
35 category sold in or into the state. Funds collected under this section
36 must be used to pay for the administration of this chapter.

1 NEW SECTION. **Sec. 16.** The product stewardship programs account is
2 created in the custody of the state treasurer. All funds received from
3 producers under section 15 of this act and penalties collected under
4 this chapter must be deposited in the account. Expenditures from the
5 account may be used only for administering this chapter. Only the
6 director of the department or the director's designee may authorize
7 expenditures from the account. The account is subject to the allotment
8 procedures under chapter 43.88 RCW, but an appropriation is not
9 required for expenditures.

10 NEW SECTION. **Sec. 17.** (1) The department may adopt rules
11 necessary to implement, administer, and enforce this chapter.

12 (2) The department may establish performance standards for product
13 stewardship programs and may establish administrative penalties for
14 failure to meet the standards.

15 (3) By December 31, 2011, the department shall report to the
16 appropriate committees of the legislature concerning the status of the
17 product stewardship program and recommendations for changes to the
18 provisions of this chapter.

19 (4) Beginning October 1, 2011, the department shall annually invite
20 comments from local governments, communities, and citizens to report
21 their satisfaction with services provided by product stewardship
22 programs. This information must be used by the department to determine
23 if the plan operator is meeting convenience requirements and in
24 reviewing proposed updates or changes to product stewardship plans.

25 (5) Beginning October 1, 2011, the department shall annually invite
26 comments from retailers, consumer groups, electric utilities, the
27 Northwest power and conservation council, and other interested parties
28 regarding the impacts of the requirements of this chapter on the
29 availability or purchase of energy efficient lighting within the state.
30 If the department determines that evidence shows the requirements of
31 this chapter have resulted in negative impacts on the availability or
32 purchase of energy efficient lighting in the state, the department
33 shall report this information by December 31st of each year to the
34 appropriate committees of the legislature with recommendations for
35 changes to the provisions of this chapter.

36 (6) Beginning October 1, 2011, the department shall annually invite
37 comments from retailers, consumer groups, electric utilities, the

1 Northwest power and conservation council, and other interested parties
2 regarding the availability of energy efficient nonmercury lighting to
3 replace mercury-containing lighting within the state. If the
4 department determines that evidence shows that energy efficient
5 nonmercury lighting is available and achieves similar energy savings as
6 mercury lighting at similar cost, the department shall report this
7 information by December 31st of each year to the appropriate committees
8 of the legislature with recommendations for legislative changes to
9 reduce mercury use in lighting.

10 NEW SECTION. **Sec. 18.** Nothing in this chapter changes or limits
11 the authority of the Washington utilities and transportation commission
12 to regulate collection of solid waste, including curbside collection of
13 residential recyclable materials, nor does this chapter change or limit
14 the authority of a city or town to provide such service itself or by
15 contract under RCW 81.77.020.

16 NEW SECTION. **Sec. 19.** Nothing in this chapter changes the
17 requirements of any entity regulated under chapter 70.105 RCW to comply
18 with the requirements under that chapter.

19 NEW SECTION. **Sec. 20.** This act may be known and cited as the
20 product stewardship recycling act for mercury-containing lights.

21 NEW SECTION. **Sec. 21.** This chapter must be liberally construed to
22 carry out its purposes and objectives.

23 NEW SECTION. **Sec. 22.** Sections 1 through 21, 23, and 24 of this
24 act constitute a new chapter in Title 70 RCW.

25 NEW SECTION. **Sec. 23.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.

29 NEW SECTION. **Sec. 24.** This act is necessary for the immediate
30 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 July 1, 2009.

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