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**HOUSE BILL 2805**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives Pollet, Valdez, Ryu, Wylie, and Tarleton

AN ACT Relating to lead ammunition; adding a new section to chapter 9.41 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 70.05 RCW; creating a new section; and prescribing penalties.

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

NEW SECTION. **Sec.**  The legislature finds that lead exposure in youth and young adults under twenty-one years of age leads to heightened risks of serious neurological disorders, permanent brain development impacts, irreversible impairment of intellectual functions, reduced growth, kidney damage, and attention and behavioral deficits. Children are particularly vulnerable because of their small size. Brain development continues past twenty-one years of age to varying degrees. The United States centers for disease control and prevention has stated that there is no safe level of lead exposure. Lead containing dust and vapors which are inhaled and absorbed through the skin at high concentrations are generated from lead in the primer and from the use of unjacketed lead bullets.

It is the intent of the legislature to exercise the public health powers of the state to protect youth and young adults from such serious health impacts to developing brains and neurological systems by barring the sale of lead ammunition to persons under twenty-one years of age and to ensure that youth and young adults with developing brains utilize nonlead ammunition at shooting ranges.

NEW SECTION. **Sec.**  A new section is added to chapter 9.41 RCW to read as follows:

(1)(a) It is unlawful for any person to sell, transfer, give, or otherwise make available any ammunition other than nonlead ammunition to a person who is under the age of twenty-one years. For the purposes of this section, "nonlead ammunition" means ammunition that does not contain any lead content, excluding trace amounts of lead.

(b) It is unlawful for any person who sells, or offers for sale, ammunition to knowingly or intentionally represent ammunition containing more than trace amounts of lead as nonlead ammunition.

(2)(a) A person who sells, or offers for sale, ammunition shall require the purchaser of ammunition other than nonlead ammunition to present any of the officially issued identification designated by the department of health under section 3 of this act in any case where there may be a question of whether the person is under the age of twenty-one years.

(b) A dealer, firearm range, or other entity or person who sells, or offers for sale, ammunition must post the warning sign and make available to customers the handout developed by the department of health under section 3 of this act relating to the adverse health effects and risks of lead exposure arising from the use of lead ammunition while engaged in sport shooting activities. The handout must be made available at the point of sale or in a location on the premises where ammunition is displayed.

(3)(a) Subsection (1)(a) of this section does not apply to ammunition that is given or permitted to be given to a person under the age of twenty-one years by a parent or guardian of the person.

(b) It is a defense to prosecution under subsection (1)(a) of this section that:

(i) The ammunition sold, transferred, given, or otherwise made available to a person under the age of twenty-one years is certified by any agency of this state, another state, or the federal government as ammunition that does not contain any lead content other than trace amounts of lead; and

(ii) The ammunition seller reasonably relied on any of the officially issued identification designated by the department of health under section 3 of this act.

(4) A person who violates this section is subject to the following penalties:

(a) A first or second violation of subsection (1)(a) of this section is a civil infraction subject to a penalty of two hundred fifty dollars. A third or subsequent violation is a civil infraction subject to a penalty of one thousand dollars except that for a person with three prior violations of subsection (1)(a) of this section, any subsequent violation within two years of the most recent violation is a gross misdemeanor punishable under chapter 9A.20 RCW.

(b) A violation of subsection (1)(b) of this section is a class C felony.

(5) In addition to the penalties established under subsection (4) of this section, a dealer's license to sell ammunition may be suspended or revoked for a violation of subsection (1)(a) of this section, and shall be revoked if the dealer commits five or more violations within a two-year period.

NEW SECTION. **Sec.**  A new section is added to chapter 43.70 RCW to read as follows:

(1) The department shall develop and make available a handout and warning sign regarding the adverse health risks from exposure to lead for persons under the age of twenty-one years and the risk for lead exposure arising from the use of lead ammunition while engaged in sport shooting activities for distribution to and use by firearms dealers and firearms ranges as required under section 2 of this act. The warning sign must include a statement that it is unlawful to sell or provide ammunition other than nonlead ammunition to any person under the age of twenty-one years. The department must maintain on its public web site lead exposure awareness and prevention information related to the use of lead ammunition in sport shooting activities by persons under the age of twenty-one years.

(2) The department shall establish by rule:

(a) A list of acceptable official identification documents that may be relied upon by ammunition sellers as proof of age for the purchase of lead ammunition; and

(b) Acceptable forms of testing or other proof from a manufacturer or distributor of ammunition that ammunition is free of lead other than trace amounts of lead.

(3) The department has authority to investigate and issue notices of and enforce the civil infraction established under section 2 of this act relating to the sale of ammunition other than nonlead ammunition to persons under the age of twenty-one years. The department may work with local health departments or districts and local law enforcement agencies to conduct random, unannounced, inspections to assure compliance with the requirements of section 2 of this act.

(4) The department has authority to adopt rules to implement the provisions of this section.

NEW SECTION. **Sec.**  A new section is added to chapter 70.05 RCW to read as follows:

Local health departments or districts have the authority to investigate and issue notices of and enforce the civil infraction established under section 2 of this act relating to the sale of ammunition other than nonlead ammunition to persons under the age of twenty-one years, in accordance with the procedures of chapter 7.80 RCW, and to conduct random, unannounced, inspections to ensure compliance with the requirements of section 2 of this act.

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