

# SENATE BILL REPORT

## SB 5866

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As of February 11, 2009

**Title:** An act relating to protecting consumers in the event of a product recall or safety warning.

**Brief Description:** Requiring retailers to provide notice to their customers in the event of a product recall or safety warning.

**Sponsors:** Senators Kohl-Welles, Franklin, Kline and Keiser.

**Brief History:**

**Committee Activity:** Labor, Commerce & Consumer Protection: 2/12/09.

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### SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

**Staff:** Alison Mendiola (786-7483)

**Background:** If a product safety recall or warning is issued by a manufacturer or government agency, retailers have no duty to notify consumers of the recall or warning and the product may still be sold.

To alert the public to unsafe, hazardous, or defective products, six federal agencies with vastly different jurisdictions have joined together to create a website, located at <http://www.recalls.gov>, designed to be a "one stop shop" for U.S. Government recalls. These agencies include the U.S. Consumer Product Safety Commission, the National Highway and Traffic Safety Administration, the U.S. Coast Guard, the Food and Drug Administration, the U.S. Department of Agriculture, and the Environmental Protection Agency. The products covered by this website include children's products, motor vehicles, boats, food, medicine, cosmetics, and environmental products.

**Summary of Bill:** If a product warning or recall is issued and available through the website <http://www.recalls.gov>, retailers must provide notice to its customers by posting a copy of the recall notice, including a link to the notice on the retailer's website.

The notice is to be posted within five business days of becoming available, and the notice is to remain posted for at least 30 days.

The product for which the warning or recall is issued may not be knowingly sold.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

These requirements also apply to consignment, secondhand, or other similar stores if the store also sells new products and that product is subject to a government issued warning or recall.

A violation of these provisions is a violation of the Consumer Protection Act.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.