

2SHB 1180 - S COMM AMD

By Committee on Health & Long-Term Care

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW_SECTION. **Sec. 1.** The definitions in this section apply
4 throughout this chapter unless the context clearly requires otherwise.

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

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

11 NEW_SECTION. **Sec. 2.** Beginning July 1, 2011, no manufacturer,
12 wholesaler, or retailer may manufacture, knowingly sell, offer for
13 sale, distribute for sale, or distribute for use in this state any of
14 the following:

15 (1) Any bottle, cup, or other container, except a metal can, that
16 contains bisphenol A if that container is designed or intended to be
17 filled with any liquid, food, or beverage primarily for consumption
18 from that container by children three years of age or younger and is
19 sold or distributed at retail without containing any liquid, food, or
20 beverage; or

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

22 NEW_SECTION. **Sec. 3.** (1) A manufacturer of products that are
23 restricted under this chapter must notify persons that sell the
24 manufacturer's products in this state about the provisions of this
25 chapter no less than ninety days prior to the effective date of the
26 restrictions.

27 (2) A manufacturer that produces, sells, or distributes a product

1 prohibited from manufacture, sale, or distribution in this state under
2 this chapter shall recall the product and reimburse the retailer or any
3 other purchaser for the product.

4 NEW SECTION. **Sec. 4.** (1) A manufacturer, wholesaler, or retailer
5 that manufacturers, knowingly sells, or distributes products in
6 violation of this chapter is subject to a civil penalty not to exceed
7 five thousand dollars for each violation in the case of a first
8 offense. Manufacturers, wholesalers, or retailers who are repeat
9 violators are subject to a civil penalty not to exceed ten thousand
10 dollars for each repeat offense. Penalties collected under this
11 section must be deposited in the state toxics control account created
12 in RCW 70.105D.070.

13 (2) Retailers who unknowingly sell products that are restricted
14 from sale under this chapter are not subject to the civil penalties
15 under this chapter.

16 NEW SECTION. **Sec. 5.** Expenses to cover the cost of administering
17 this chapter shall be paid from the toxics control account under RCW
18 70.150D.070.

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

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

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24 On page 1, line 1 of the title, after "A;" strike the remainder of
25 the title and insert "adding a new chapter to Title 70 RCW; and
26 prescribing penalties."

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