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**Civil Rights & Judiciary Committee**

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**HB 1346**

**Brief Description:** Preventing lead exposure in young people.

**Sponsors:** Representatives Pollet, Jenkins, Ryu, Robinson, Davis and Wylie.

**Brief Summary of Bill**

- Makes it generally unlawful to sell, transfer, give, or make available any ammunition other than nonlead ammunition to a person who is under the age of 21.
- Makes it unlawful for any person who sells ammunition, or offers ammunition for sale, to knowingly or intentionally represent ammunition containing more than trace amounts of lead as nonlead ammunition.

**Hearing Date:** 2/1/19

**Staff:** Cece Clynch (786-7195).

**Background:**

Lead.

Lead is a naturally occurring metal element found in small amounts in the earth's crust. It is dull, silvery-grey, and malleable.

Lead can accumulate in the body and cause health problems. According to the Washington Department of Health (DOH), lead can affect almost every organ and system in the body, with children six years old and younger the most susceptible to its effects. Their growing bodies absorb more lead than adults do, and their brains and nervous systems are more sensitive to the damaging effects of lead. Lead in the blood of children can result in permanent damage to the brain and nervous system, leading to behavior and learning problems, lower intelligence quotients, and hearing problems; slowed growth; and anemia. In rare cases, ingestion of lead can cause seizures, coma, and even death.

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Lead has been, and still is, used in a variety of products. The DOH identifies a variety of common sources of lead poisoning, including lead-based paint in homes, contaminated soil, drinking water, children's toys and jewelry, and workplace and hobby hazards. Among the specific workplace and hobby hazards identified are working with guns and ammunition and indoor and outdoor target practice.

There exist some laws and rules at the federal and state levels that address lead in certain products and places. For instance, federal laws ban the manufacture of paint with high levels of lead and leaded gasoline. In Washington the Fish and Wildlife Commission has exercised its rulemaking authority with respect to the equipment and methods that may be used in the state for taking wildlife and fish to prohibit the use of toxic shot in certain areas and when hunting for certain species. This rule includes a list of approved nontoxic shot types.

#### Civil Infractions.

A civil infraction is a noncriminal offense for which imprisonment may not be imposed. A notice of civil infraction may be issued by an enforcement officer when the civil infraction occurs in the officer's presence. An enforcement officer is a person authorized to enforce the provisions of the statute or ordinance in which the civil infraction is established. Alternatively, a notice of civil infraction may be issued by a court if an enforcement officer files with the court a written statement that the civil infraction was committed in the officer's presence or that the officer has reasonable cause to believe that a civil infraction was committed. Civil infractions may be heard and determined in district and municipal courts.

#### **Summary of Bill:**

It is unlawful for any person to sell, transfer, give, or make available any ammunition other than nonlead ammunition to a person who is under the age of 21. (This does not apply to ammunition that is given or permitted to be given to a person under the age of 21 by his or her parent or guardian.) In any case where there may be a question as to whether the purchaser is under the age of 21, persons who sell ammunition, or offer to sell ammunition, must require a purchaser of ammunition other than nonlead ammunition to present any of several officially issued forms of identification designated by the Department of Health (DOH). It is a defense in a prosecution for a violation of this provision that:

- the ammunition is certified by any agency of Washington, another state, or the federal government as ammunition that does not contain anything more than trace amounts of lead; and
- the seller reasonably relied on any of the officially issued identification designated by the DOH.

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

Dealers, firearm ranges, or other persons or entities who sell ammunition, or offer it for sale, must post a warning sign and make a handout available to customers. Both the required warning sign and the required handout are to be developed by the DOH regarding the adverse health risks from exposure to lead for persons under 21 years of age, and the risk for lead exposure arising from the use of lead ammunition while engaged in sport shooting activities.

A violation of these provisions is subject to the following penalties:

- A first or second violation is a civil infraction subject to a penalty of \$250.
- A third or subsequent violation is a civil infraction subject to a penalty of \$1,000.

In addition to these civil penalties, a dealer's license to sell ammunition *may* be suspended or revoked for a violation of the prohibition on selling, transferring, giving, or making available any ammunition other than nonlead ammunition to a person who is under the age of 21, and *shall* be revoked if the dealer commits five or more violations within a two-year period.

The DOH must develop and make available the warning sign and handout. Additionally, the DOH must maintain on its public website lead exposure awareness and prevention information related to the use of lead ammunition in sport shooting activities by persons under the age of 21.

The DOH is also provided rulemaking authority and charged with establishing, by rule:

- a list of acceptable official identification documents that may be relied upon by ammunition sellers as proof of a purchaser's age; and
- acceptable forms of testing or other proof from an ammunition manufacturer or distributor that the ammunition is free of lead other than trace amounts.

The DOH is authorized to investigate, issue notices, and enforce the above-referenced civil infractions. The DOH may work with local health departments or districts, as well as local law enforcement agencies, to conduct random, unannounced inspections to assure compliance. Local health departments or districts are also provided authority to investigate and issue notices of enforcement.

"Nonlead ammunition" is defined to mean ammunition that does not contain any lead content, excluding trace amounts of lead.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.