
**Agriculture and Natural Resources
Committee**

HB 1921

Brief Description: Prohibiting the use of certain substances in food.

Sponsors: Representatives Duerr, Walen, Ryu, Berry, Ramos, Ramel, Reed, Leavitt, Kloba, Donaghy, Gregerson, Thai, Reeves, Fosse and Pollet.

Brief Summary of Bill

- Prohibits the use of brominated vegetable oil, potassium bromate, propylparaben, and red dye 3 in food products intended for human consumption beginning in 2027.

Hearing Date: 1/12/24

Staff: Rebecca Lewis (786-7339).

Background:

The Washington State Department of Agriculture (WSDA) Food Safety Program provides professional technical assistance, food safety public health inspections, licensing services, and food recall assistance for a variety of food businesses including food processors, food warehouses, egg handlers and dealers, food storage lockers, custom meat operations, and food companies that are not handled by local county health official jurisdictions. Food businesses licensed by the state to produce, warehouse, process, market, sell, and distribute products are required to follow the safe food production, management and handling practice specified in the applicable federal and state food safety laws and regulations depending on the type of activity the food business performs.

The State Food Safety and Security Act (Act) establishes, among other things, general quality

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standards and requirements for food products. Under the Act, a person may not:

- sell, process, store, cause or intend to cause adulterated or misbranded food in intrastate commerce;
- receive for sale in intrastate commerce food that is known to be adulterated or misbranded;
- disseminate false advertising with respect to food within the state, in any manner or by any means or through any medium;
- change, mutilate, destroy, obliterate, or remove any part of food labeling, or do any other act that results in a food being adulterated or misbranded after shipment in intrastate commerce and while the food is held for sale; or
- knowingly or intentionally give a false guarantee or falsely warrant that food complies with this chapter.

The WSDA may impose a civil penalty for violations of the Act, or rules adopted under the Act, of no more than \$1,000 per violation per day.

A person who knowingly violates provisions of the Act related to false advertising, false guarantee, or adulterated or misbranded food is guilty of a misdemeanor and subject to a penalty of no more than \$200. After a first offense, the penalty increases to either \$500, imprisonment of no more than 30 days, or both. A person who knowingly violates provisions of the Act related to false advertising, false guarantee, or adulterated or misbranded food with the intent to defraud or mislead is guilty of a misdemeanor subject to a penalty of imprisonment for not more than 90 days or a fine of not more than \$1,000, or both. Before reporting a violation for criminal prosecution, the WSDA must provide the affected person with notice and opportunity to present oral or written comment to the WSDA.

A person who receives, holds, or sells adulterated or misbranded food is not subject to civil or criminal penalties if they establish that the that receipt or sale of the food was in good faith, identify the entity from whom the food was received, and provide copies of all documents pertaining to the receipt and distribution of the food.

Summary of Bill:

Beginning January 1, 2027, a person may not manufacture, sell, deliver, distribute, hold, or offer for sale a food product for human consumption that contains brominated vegetable oil, potassium bromate, propylparaben, or red dye 3.

Appropriation: None.

Fiscal Note: Requested on January 10, 2024.

Effective Date: The bill takes effect on January 1, 2027.