

SENATE BILL REPORT

SB 6247

AS OF JANUARY 28, 1992

Brief Description: Requiring that bittering agents be added to toxic household products.

SPONSORS: Senators Murray, Wojahn, Rinehart, M. Kreidler and West

SENATE COMMITTEE ON COMMERCE & LABOR

Staff: Jonathan Seib (786-7427)

Hearing Dates: January 30, 1992

BACKGROUND:

Concern exists regarding the danger posed to small children from ingesting toxic household products. Many of these products are exempt from the child-resistant safety packaging laws. Evidence exists suggesting that the addition of a bittering agent to toxic household products makes the products taste so bad that children are discouraged from ingesting them.

SUMMARY:

Any toxic household product manufactured or sold in Washington that contains any substance included on a list prepared by the Board of Pharmacy must include a nontoxic bittering agent or be packaged with child-resistant safety closures in accordance with the federal Poison Prevention Packaging Act.

Any toxic household product required to be registered with the Environmental Protection Agency that is formulated for outdoor or food use economic poison purposes must comply with the act no later than two years from the date when the EPA approves a bittering agent for these products.

Toxic household products are defined as any substance produced for use in or about the household having the capacity to produce significant personal injury or illness to humans when ingested in moderate amounts. Exemptions from this definition are provided, including an exemption for products regulated under the Washington Pesticide Control Act or the Worker and Community Right to Know Act.

No product may be sold in the state that the Board of Pharmacy determines does not comply with the act. When the board has probable cause to believe that a product is in violation, it may order the product's removal from retail shelf space. If the board later finds that the product does not involve a violation, the removal order is to be rescinded.

A violation of the act is punishable by a fine of up to \$5,000 per violating product. A court may also grant injunctive relief and award attorneys' fees and costs. A violation also constitutes an unfair or deceptive act for purposes of the Consumer Protection Act.

If the Board of Pharmacy determines that a substantially equivalent system has been put in place at the federal level, the act will cease to exist on January 1, 2000, or when the federal system is implemented, whichever is later.

Appropriation: none

Revenue: none

Fiscal Note: requested January 28, 1992

Effective Date: January 1, 1994