
SUBSTITUTE SENATE BILL 6248

State of Washington

61st Legislature

2010 Regular Session

By Senate Health & Long-Term Care (originally sponsored by Senators Keiser, Fairley, Rockefeller, Kohl-Welles, Kline, and Ranker)

READ FIRST TIME 01/19/10.

1 AN ACT Relating to the use of bisphenol A; adding a new chapter to
2 Title 70 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires otherwise.

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

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

12 NEW SECTION. **Sec. 2.** Beginning July 1, 2011, no manufacturer,
13 wholesaler, or retailer may manufacture, knowingly sell, offer for
14 sale, distribute for sale, or distribute for use in this state any of
15 the following: Any bottle, cup, or other container, except a metal
16 can, that contains bisphenol A if that container is designed or
17 intended to be filled with any liquid, food, or beverage primarily for

1 consumption from that container by children three years of age or
2 younger and is sold or distributed at retail without containing any
3 liquid, food, or beverage.

4 NEW SECTION. **Sec. 3.** (1) A manufacturer of products that are
5 restricted under this chapter must notify persons that sell the
6 manufacturer's products in this state about the provisions of this
7 chapter no less than ninety days prior to the effective date of the
8 restrictions.

9 (2) A manufacturer that produces, sells, or distributes a product
10 prohibited from manufacture, sale, or distribution in this state under
11 this chapter shall recall the product and reimburse the retailer or any
12 other purchaser for the product.

13 NEW SECTION. **Sec. 4.** (1) A manufacturer, wholesaler, or retailer
14 that manufacturers, knowingly sells, or distributes products in
15 violation of this chapter is subject to a civil penalty not to exceed
16 five thousand dollars for each violation in the case of a first
17 offense. Manufacturers, wholesalers, or retailers who are repeat
18 violators are subject to a civil penalty not to exceed ten thousand
19 dollars for each repeat offense. Penalties collected under this
20 section must be deposited in the state toxics control account created
21 in RCW 70.105D.070.

22 (2) Retailers who unknowingly sell products that are restricted
23 from sale under this chapter are not subject to the civil penalties
24 under this chapter.

25 NEW SECTION. **Sec. 5.** Expenses to cover the cost of administering
26 this chapter shall be paid from the toxics control account under RCW
27 70.105D.070.

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

31 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute

1 a new chapter in Title 70 RCW.

--- END ---