

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6248

Chapter 140, Laws of 2010

61st Legislature
2010 Regular Session

BISPHENOL A--RESTRICTIONS ON SALE

EFFECTIVE DATE: 06/10/10

Passed by the Senate March 8, 2010
YEAS 38 NAYS 9

BRAD OWEN

President of the Senate

Passed by the House March 3, 2010
YEAS 96 NAYS 1

FRANK CHOPP

Speaker of the House of Representatives

Approved March 19, 2010, 2:12 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6248** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 19, 2010

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6248

AS AMENDED BY THE HOUSE

Passed Legislature - 2010 Regular Session

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 (3) "Sports bottle" means a resealable, reusable container, sixty-
13 four ounces or less in size, that is designed or intended primarily to
14 be filled with a liquid or beverage for consumption from the container,
15 and is sold or distributed at retail without containing any liquid or
16 beverage.

17 NEW SECTION. **Sec. 2.** (1) Beginning July 1, 2011, no manufacturer,
18 wholesaler, or retailer may manufacture, knowingly sell, offer for

1 sale, distribute for sale, or distribute for use in this state, any
2 bottle, cup, or other container, except a metal can, that contains
3 bisphenol A if that container is designed or intended to be filled with
4 any liquid, food, or beverage primarily for consumption from that
5 container by children three years of age or younger and is sold or
6 distributed at retail without containing any liquid, food, or beverage.

7 (2) Beginning July 1, 2012, no manufacturer, wholesaler, or
8 retailer may manufacture, knowingly sell, offer for sale, distribute
9 for sale, or distribute for use in this state, sports bottles that
10 contain bisphenol A.

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

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

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

29 (2) Retailers who unknowingly sell products that are restricted
30 from sale under this chapter are not subject to the civil penalties
31 under this chapter.

32 NEW SECTION. **Sec. 5.** Expenses to cover the cost of administering
33 this chapter shall be paid from the toxics control account under RCW
34 70.105D.070.

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

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

 Passed by the Senate March 8, 2010.

 Passed by the House March 3, 2010.

 Approved by the Governor March 19, 2010.

 Filed in Office of Secretary of State March 19, 2010.