H-1070.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**HOUSE BILL 1686**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives Scott, Young, Taylor, Kochmar, Vick, Condotta, Pike, Shea, and G. Hunt

AN ACT Relating to establishing the Washington state incandescent light bulb freedom act; adding a new chapter to Title 19 RCW; and creating new sections.

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

NEW SECTION. **Sec.**  This act may be known and cited as the Washington state incandescent light bulb freedom act.

NEW SECTION. **Sec.**  (1) The legislature finds that: (a) The tenth amendment to the United States Constitution reserves to the states and their people all powers not delegated to the federal government and not prohibited to the states; (b) the ninth amendment to the United States Constitution provides that certain rights enumerated in the Constitution shall not be construed to deny or disparage other rights retained by the people; and (c) the regulation of intrastate commerce is vested in the states under the ninth and tenth amendments to the United States Constitution.

(2) The legislature further finds that: (a) Current federal law standards effectively ban the manufacture and sale of the incandescent light bulbs that Americans buy most, standard one hundred watt incandescent light bulbs (banned as of January 1, 2012), standard seventy-five watt incandescent light bulbs (banned as of January 1, 2013), standard forty watt and sixty watt incandescent light bulbs (banned as of January 1, 2014), and halogen incandescent light bulbs (banned as of January 1, 2020); (b) exceptions to federal law standards include specialty bulbs such as refrigerator bulbs, reflector bulbs, three way bulbs, candelabra bulbs, globe bulbs, shatter-resistant bulbs, vibration service bulbs, rough service bulbs, colored bulbs, bug light bulbs, and plant lights; (c) fluorescent lamps (FL), compact fluorescent lamps (CFL), and cold cathode fluorescent lamps (CCFL) contain sufficient mercury for the environmental protection agency to recommend a tedious ten-to-eleven step process for cleanup of broken CFLs and a requirement that consumers take discarded bulbs to a special disposal center, and dangerous mercury can escape into the air when such bulbs accidentally break or inevitably break in trash cans or garbage trucks; and (d) light emitting diode lamps (LED) contain lead and nickel, exposure to which can create a serious health risk.

(3) The legislature further finds that the people of Washington state know better than the federal government what type of light bulb they prefer and should have the freedom to choose whether or not they wish to purchase and use incandescent light bulbs or some alternative to incandescent light bulbs, and if an item such as an incandescent light bulb is manufactured in this state, without the inclusion of any significant parts imported from another state or country, and the item is offered for sale and sold only for use within the borders of Washington state, the item is not in the stream of interstate commerce and not subject to federal regulation under the commerce clause of the United States Constitution.

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

(1) "Borders of Washington" means the boundaries of Washington state as provided for in Article XXIV, section 1 of the Washington state Constitution.

(2) "Generic and insignificant parts" includes, but is not limited to, steel, glass, springs, screws, nuts, pins, and ceramics.

(3) "Incandescent light bulb" means a light bulb containing a filament or filaments that produce light when the filament or filaments are heated due to electrical resistance.

NEW SECTION. **Sec.**  (1) An incandescent light bulb that is: (a) Manufactured commercially or privately in Washington state from basic materials that can be manufactured without the inclusion of any significant parts imported from another state; and (b) offered for sale and sold for use only within the borders of Washington state is deemed to be in the stream of intrastate commerce, rather than interstate commerce, and is not subject to federal law or federal regulation.

(2) The incorporation of generic and insignificant parts imported from another state in an incandescent light bulb that is manufactured and sold in Washington state pursuant to this chapter which have other manufacturing or consumer product applications does not bring the incandescent light bulb into interstate commerce and does not subject it to federal law or federal regulation.

(3) Basic materials, such as unmachined and unshaped steel and glass, imported from another state that are to be altered for incorporation into an incandescent light bulb manufactured and sold pursuant to this chapter are deemed to be an insignificant part of the incandescent light bulb both prior to their alteration and after their incorporation into the incandescent light bulb. If these basic materials are otherwise manufactured, offered for sale, and sold pursuant to this chapter, they are not in interstate commerce and are not subject to federal law or federal regulation.

(4) An incandescent light bulb manufactured, offered for sale, or sold in Washington state pursuant to this chapter must have the words, "Made in Washington state for use in Washington state" clearly stamped, engraved, or otherwise clearly indicated on a central part of the bulb.

NEW SECTION. **Sec.**  This act applies to incandescent light bulbs that are manufactured pursuant to this chapter on or after the effective date of this section.

NEW SECTION. **Sec.**  Sections 3 through 4 of this act constitute a new chapter in Title 19 RCW.

**--- END ---**