
SUBSTITUTE SENATE BILL 5282

State of Washington

61st Legislature

2009 Regular Session

By Senate Health & Long-Term Care (originally sponsored by Senators Keiser, Franklin, Kohl-Welles, Marr, Murray, McAuliffe, Regala, Oemig, Kilmer, Fairley, Pridemore, Ranker, and McDermott)

READ FIRST TIME 02/20/09.

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.** Beginning July 1, 2010, no manufacturer,
5 wholesaler, or retailer may manufacture, knowingly sell, offer for
6 sale, distribute for sale, or distribute for use in this state any
7 bottle or cup that contains bisphenol A and is designed or intended to
8 be filled with any liquid, food, or beverage primarily for consumption
9 from that container by children three years of age or younger and is
10 sold or distributed without containing any liquid, food, or beverage.

11 NEW SECTION. **Sec. 2.** (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

1 this chapter shall recall the product and reimburse the retailer or any
2 other purchaser for the product.

3 NEW SECTION. **Sec. 3.** (1) A manufacturer, wholesaler, or retailer
4 that manufacturers, knowingly sells, or distributes products in
5 violation of this chapter is subject to a civil penalty not to exceed
6 five thousand dollars for each violation in the case of a first
7 offense. Manufacturers, wholesalers, or retailers who are repeat
8 violators are subject to a civil penalty not to exceed ten thousand
9 dollars for each repeat offense. Penalties collected under this
10 section must be deposited in the state toxics control account created
11 in RCW 70.105D.070.

12 (2) Retailers who unknowingly sell products that are restricted
13 from sale under this chapter are not subject to the civil penalties
14 under this section.

15 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act constitute
16 a new chapter in Title 70 RCW.

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