
HOUSE BILL 2805

State of Washington 65th Legislature 2018 Regular Session

By Representatives Pollet, Valdez, Ryu, Wylie, and Tarleton

Read first time 01/16/18. Referred to Committee on Judiciary.

1 AN ACT Relating to lead ammunition; adding a new section to
2 chapter 9.41 RCW; adding a new section to chapter 43.70 RCW; adding a
3 new section to chapter 70.05 RCW; creating a new section; and
4 prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that lead exposure in
7 youth and young adults under twenty-one years of age leads to
8 heightened risks of serious neurological disorders, permanent brain
9 development impacts, irreversible impairment of intellectual
10 functions, reduced growth, kidney damage, and attention and
11 behavioral deficits. Children are particularly vulnerable because of
12 their small size. Brain development continues past twenty-one years
13 of age to varying degrees. The United States centers for disease
14 control and prevention has stated that there is no safe level of lead
15 exposure. Lead containing dust and vapors which are inhaled and
16 absorbed through the skin at high concentrations are generated from
17 lead in the primer and from the use of unjacketed lead bullets.

18 It is the intent of the legislature to exercise the public health
19 powers of the state to protect youth and young adults from such
20 serious health impacts to developing brains and neurological systems
21 by barring the sale of lead ammunition to persons under twenty-one

1 years of age and to ensure that youth and young adults with
2 developing brains utilize nonlead ammunition at shooting ranges.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.41 RCW
4 to read as follows:

5 (1)(a) It is unlawful for any person to sell, transfer, give, or
6 otherwise make available any ammunition other than nonlead ammunition
7 to a person who is under the age of twenty-one years. For the
8 purposes of this section, "nonlead ammunition" means ammunition that
9 does not contain any lead content, excluding trace amounts of lead.

10 (b) It is unlawful for any person who sells, or offers for sale,
11 ammunition to knowingly or intentionally represent ammunition
12 containing more than trace amounts of lead as nonlead ammunition.

13 (2)(a) A person who sells, or offers for sale, ammunition shall
14 require the purchaser of ammunition other than nonlead ammunition to
15 present any of the officially issued identification designated by the
16 department of health under section 3 of this act in any case where
17 there may be a question of whether the person is under the age of
18 twenty-one years.

19 (b) A dealer, firearm range, or other entity or person who sells,
20 or offers for sale, ammunition must post the warning sign and make
21 available to customers the handout developed by the department of
22 health under section 3 of this act relating to the adverse health
23 effects and risks of lead exposure arising from the use of lead
24 ammunition while engaged in sport shooting activities. The handout
25 must be made available at the point of sale or in a location on the
26 premises where ammunition is displayed.

27 (3)(a) Subsection (1)(a) of this section does not apply to
28 ammunition that is given or permitted to be given to a person under
29 the age of twenty-one years by a parent or guardian of the person.

30 (b) It is a defense to prosecution under subsection (1)(a) of
31 this section that:

32 (i) The ammunition sold, transferred, given, or otherwise made
33 available to a person under the age of twenty-one years is certified
34 by any agency of this state, another state, or the federal government
35 as ammunition that does not contain any lead content other than trace
36 amounts of lead; and

37 (ii) The ammunition seller reasonably relied on any of the
38 officially issued identification designated by the department of
39 health under section 3 of this act.

1 (4) A person who violates this section is subject to the
2 following penalties:

3 (a) A first or second violation of subsection (1)(a) of this
4 section is a civil infraction subject to a penalty of two hundred
5 fifty dollars. A third or subsequent violation is a civil infraction
6 subject to a penalty of one thousand dollars except that for a person
7 with three prior violations of subsection (1)(a) of this section, any
8 subsequent violation within two years of the most recent violation is
9 a gross misdemeanor punishable under chapter 9A.20 RCW.

10 (b) A violation of subsection (1)(b) of this section is a class C
11 felony.

12 (5) In addition to the penalties established under subsection (4)
13 of this section, a dealer's license to sell ammunition may be
14 suspended or revoked for a violation of subsection (1)(a) of this
15 section, and shall be revoked if the dealer commits five or more
16 violations within a two-year period.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.70 RCW
18 to read as follows:

19 (1) The department shall develop and make available a handout and
20 warning sign regarding the adverse health risks from exposure to lead
21 for persons under the age of twenty-one years and the risk for lead
22 exposure arising from the use of lead ammunition while engaged in
23 sport shooting activities for distribution to and use by firearms
24 dealers and firearms ranges as required under section 2 of this act.
25 The warning sign must include a statement that it is unlawful to sell
26 or provide ammunition other than nonlead ammunition to any person
27 under the age of twenty-one years. The department must maintain on
28 its public web site lead exposure awareness and prevention
29 information related to the use of lead ammunition in sport shooting
30 activities by persons under the age of twenty-one years.

31 (2) The department shall establish by rule:

32 (a) A list of acceptable official identification documents that
33 may be relied upon by ammunition sellers as proof of age for the
34 purchase of lead ammunition; and

35 (b) Acceptable forms of testing or other proof from a
36 manufacturer or distributor of ammunition that ammunition is free of
37 lead other than trace amounts of lead.

38 (3) The department has authority to investigate and issue notices
39 of and enforce the civil infraction established under section 2 of

1 this act relating to the sale of ammunition other than nonlead
2 ammunition to persons under the age of twenty-one years. The
3 department may work with local health departments or districts and
4 local law enforcement agencies to conduct random, unannounced,
5 inspections to assure compliance with the requirements of section 2
6 of this act.

7 (4) The department has authority to adopt rules to implement the
8 provisions of this section.

9 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.05 RCW
10 to read as follows:

11 Local health departments or districts have the authority to
12 investigate and issue notices of and enforce the civil infraction
13 established under section 2 of this act relating to the sale of
14 ammunition other than nonlead ammunition to persons under the age of
15 twenty-one years, in accordance with the procedures of chapter 7.80
16 RCW, and to conduct random, unannounced, inspections to ensure
17 compliance with the requirements of section 2 of this act.

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