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HOUSE BILL 2805

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State of Washington

65th Legislature

2018 Regular Session

By Representatives Pollet, Valdez, Ryu, and Wylie

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 ofunjacketed 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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