

HOUSE BILL 414

IN THE HOUSE

January 26, 1979	Introduced and referred to Committee on Human Services.
February 9, 1979	Committee recommend bill, as amended.
February 12, 1979	Printed and placed on members' desks.
February 13, 1979	Second reading, as amended.
February 14, 1979	Correctly engrossed.
February 16, 1979	Third reading, do pass.

IN THE SENATE

February 17, 1979	Introduced and referred to Committee on Business and Industry.
March 16, 1979	Committee recommend bill, not concurred as amended
	On motion, Senate reconsider its action taken on adverse Committee report. Motion failed.

IN THE HOUSE

March 17, 1979	Returned from Senate, not concurred.
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1 HOUSE BILL NO. 414
 2 INTRODUCED BY Keith Kemmis, James Vingar
 3 A. Noeson, Ryan Benoit, Jesse Obeng, Richard
 4 Adrian, Matt

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT THE SALE
 6 AND DISTRIBUTION OF CERTAIN PHOSPHOROUS COMPOUNDS USED FOR
 7 CLEANING PURPOSES; AND PROVIDING AN EFFECTIVE DATE."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Definitions. For the purposes of [this
 10 act], the following definitions apply:

11 (1) "Commercial establishment" means any premises used
 12 for the purpose of carrying on or exercising any trade,
 13 business, profession, vocation, or commercial or charitable
 14 activity, including but not limited to laundries, hospitals,
 15 and food or restaurant establishments.

16 (2) "Household cleaning product" means any product,
 17 including but not limited to soaps and detergents, used for
 18 domestic or commercial cleaning purposes, including but not
 19 limited to the cleaning of fabrics, dishes, food utensils,
 20 and household and commercial premises. Household cleaning
 21 product does not mean foods, drugs, cosmetics, or personal
 22 care items such as toothpaste, shampoo, or hand soap.

23 (3) "Chemical water conditioner" means a
 24 water-softening chemical or other substance containing
 25 phosphorus intended to treat water for machine laundry use.

1 (4) "Phosphorus" means elemental phosphorus.

2 (5) "Trace quantity" means an incidental amount of
 3 phosphorus which is not part of the household cleaning
 4 product formulation, is present only as a consequence of
 5 manufacturing, and does not exceed 0.5% of the content of
 6 the product by weight expressed as elemental phosphorus.

7 (6) "Person" means any proprietor of a commercial
 8 establishment, corporation, municipality, the state or any
 9 department, agency, or subdivision of the state, and any
 10 partnership, unincorporated association, or other legal
 11 entity.

12 Section 2. Sale and distribution of certain
 13 phosphorous compounds prohibited -- exceptions. (1) No
 14 household cleaning product may be distributed, sold,
 15 offered, or exposed for sale if it contains a phosphorous
 16 compound in concentrations in excess of a trace quantity,
 17 except those household cleaning products used:

- 18 (a) in dishwashers;
- 19 (b) for cleaning medical and surgical equipment;
- 20 (c) for cleaning food and beverage processing
- 21 equipment;
- 22 (d) for cleaning dairy equipment; and
- 23 (e) in industrial processes.

24 (2) No household cleaning product in subsections
 25 (1)(a) through (1)(c) may be distributed, sold, offered, or

1 exposed for sale if it contains a phosphorous compound in
2 concentrations in excess of 8.7% by weight expressed as
3 elemental phosphorus.

4 (3) No chemical water conditioner which contains more
5 than 20% phosphorus by weight may be distributed, sold,
6 offered, or exposed for sale.

7 (4) Cleaning agents used for industrial processes or
8 for cleaning dairy equipment are not subject to this
9 section.

10 Section 3. Penalty. Any person who violates this
11 section is punishable by a fine of not more than \$500 for
12 each violation. In the case of a continuing violation, each
13 day's continuance is considered an additional offense.

14 Section 4. Effective date. This act is effective
15 January 1, 1980.

-End-

*Approved by Comm
on Human Services*

HOUSE BILL NO. 414

INTRODUCED BY KEEDY, KEMMIS, HUENNEKENS, VINCENT,
ANDERSON, HARPER, BENNETT, GESEK, OBERG, JOHNSTON,
SIVERTSEN, METCALF, SEIFERT, FABREGA, REICHERT

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15 day's continuance is considered an additional offense.

16 ~~SECTION 4. CODIFICATION. SECTIONS 1 THROUGH 3 ARE~~
17 ~~INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 75,~~
18 ~~CHAPTER 5, AND THE PROVISIONS CONTAINED IN TITLE 75, CHAPTER~~
19 ~~5, APPLY TO SECTIONS 1 THROUGH 3.~~

20 Section 5. Effective date. This act is effective
21 January 1, 1980.

-End-

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20 SECTION 4. THERE IS A NEW MCA SECTION THAT READS:

21 Enforcement. The department of health and environmental
 22 sciences is responsible for the enforcement of [this act].
 23 The department may utilize the enforcement powers granted by
 24 Title 75, chapter 5, part 6, in exercising its authority
 25 under this section.

1 Section 5. Effective date. This act is effective
 2 January 1, 1980.

-End-