

House Bill 782

In The House

February 16, 1981

Introduced and referred  
to Committee on Business  
and Industry.

April 23, 1981

Died in Committee.

1                                    HOUSE      BILL NO. 782  
 2    INTRODUCED BY Keedy ANALYST CONY HART  
 3                                    T. Borgone Rota Bennet  
 4    A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT THE SALE  
 5    Houseless AND DISTRIBUTION OF CERTAIN PHOSPHOROUS COMPOUNDS USED FOR  
 6    CLEANING PURPOSES; AND PROVIDING AN EFFECTIVE DATE."

7  
 8    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 9            Section 1. Definitions. As used in [this act] the  
 10 following definitions apply:

- 11            (1) "Chemical water conditioner" means a  
 12 water-softening chemical or other substance containing  
 13 phosphorus intended to treat water for machine laundry use.  
 14            (2) "Commercial establishment" means any premises used  
 15 for the purpose of carrying on or exercising any trade,  
 16 business, profession, vocation, or commercial or charitable  
 17 activity, including but not limited to laundries, hospitals,  
 18 and food or restaurant establishments.  
 19            (3) "Household cleaning product" means any product,  
 20 including but not limited to soaps and detergents, used for  
 21 domestic or commercial cleaning purposes, including but not  
 22 limited to the cleaning of fabrics, dishes, food utensils,  
 23 and household and commercial premises. Household cleaning  
 24 product does not mean foods, drugs, cosmetics, or personal  
 25 care items such as toothpaste, shampoo, or hand soap.

1            (4) "Person" means any proprietor of a commercial  
 2 establishment, corporation, municipality, the state or any  
 3 department, agency, or subdivision of the state, and any  
 4 partnership, unincorporated association, or other legal  
 5 entity.

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

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 listed in  
 25 subsections (1)(a) through (1)(c) may be distributed, sold,

LC 1264/01

1 offered, or exposed for sale if it contains a phosphorous  
2 compound in concentrations in excess of 8.7% by weight  
3 expressed as 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 act]  
11 is punishable by a fine of not more than \$500 for each  
12 violation. In the case of a continuing violation, each day's  
13 continuance is considered an additional offense.

14 Section 4. Enforcement. The department of health and  
15 environmental sciences shall enforce the provisions of [this  
16 act]. The department may use the enforcement powers granted  
17 by Title 75, chapter 5, part 6, in carrying out its  
18 responsibility under this section.

19 Section 5. Effective date. This act is effective  
20 January 1, 1982.

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