

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

NEW SECTION. Section 1. The legislature finds that knowledge of the expenditures made by state government is of importance to the people of this state. It is the intent of the legislature that this act require state agencies to prepare information to inform the people of the disposition of state revenues on a per capita basis. This act shall be known and may be cited as "The Truth in Spending Act of 1974".

NEW SECTION. Sec. 2. Within 120 days after the close of each fiscal biennium, the office of Program Planning and Fiscal Management shall prepare a report which indicates as accurately as possible the total operating expenditures of each commission, committee, agency or department on a per capita basis for the two immediately preceding fiscal biennia. The report shall be based on population figures prepared by the Office of Program Planning and Fiscal Management and shall be distributed to each member of the legislature and to at least one newspaper of general circulation in each county of this state.

NEW SECTION. Sec. 3. Sections 1 through 2 of this act shall be added to chapter [Title] 43 RCW.

Passed the House January 23, 1974.  
Passed the Senate February 5, 1974.  
Approved by the Governor February 14, 1974.  
Filed in Office of Secretary of State February 14, 1974.

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CHAPTER 49  
[Substitute House Bill No. 967]  
WASHINGTON POISON PREVENTION  
ACT OF 1974

AN ACT Relating to the public health and safety; adding a new chapter to Title 70 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. The purpose of this chapter is to provide for special packaging to protect children from personal injury, serious illness or death resulting from handling, using or ingesting household substances, and to provide penalties.

NEW SECTION. Sec. 2. This 1974 act shall be cited as the Washington Poison Prevention Act of 1974.

NEW SECTION. Sec. 3. The definitions in sections 4 through 9 of this 1974 act unless the context otherwise requires shall govern the construction of this chapter.

NEW SECTION. Sec. 4. "Director" means the director of the department of agriculture of the state of Washington, or his duly authorized representative.

NEW SECTION. Sec. 5. "Sale" means to sell, offer for sale, hold for sale, handle or use as an inducement in the promotion of a household substance or the sale of another article or product.

NEW SECTION. Sec. 6. "Household substance" means any substance which is customarily produced or distributed for sale for consumption or use, or customarily stored, by individuals in or about the household and which is:

(1) A "hazardous substance", which means (a) any substance or mixture of substances or product which (i) is toxic, (ii) is corrosive, (iii) is an irritant, (iv) is a strong sensitizer, (v) is flammable or combustible, or (vi) generates pressure through decomposition, heat, or other means, if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children; (b) any substances which the director by regulation finds to meet the requirements of subsection (1) (a) of this section; (c) any radioactive substance, if, with respect to such substance as used in a particular class of article or as packaged, the director determines by regulation that the substance is sufficiently hazardous to require labeling in accordance with this chapter in order to protect the public health, safety or welfare; and (d) any toy or other article intended for use by children which the director by regulation determines presents an electrical, mechanical or thermal hazard.

(2) A pesticide as defined in the Washington Pesticide Control Act, chapter 15.58 RCW as now or hereafter amended;

(3) A food, drug, or cosmetic as those terms are defined in the Uniform Washington Food, Drug and Cosmetic Act, chapter 69.04 RCW as now or hereafter amended; or

(4) A substance intended for use as fuel when stored in portable containers and used in the heating, cooking, or refrigeration system of a house; or

(5) Any other substance which the director may declare to be a household substance subsequent to a hearing as provided for under the provisions of chapter 34.04 RCW, Administrative Procedure Act, for the adoption of rules.

NEW SECTION. Sec. 7. "Package" means the immediate container or wrapping in which any household substance is contained for consumption, use, or storage by individuals in or about the household, and, for purposes of section 11 (1) (b) of this 1974 act,

also means any outer container or wrapping used in the retail display of any such substance to consumers. Such term does not include:

(1) Any shipping container or wrapping used solely for the transportation of any household substance in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors thereof; or

(2) Any shipping container or outer wrapping used by retailers to ship or deliver any household substance to consumers unless it is the only such container or wrapping.

NEW SECTION. Sec. 8. "Special packaging" means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

NEW SECTION. Sec. 9. "Labeling" means all labels and other written, printed, or graphic matter upon any household substance or its package, or accompanying such substance.

NEW SECTION. Sec. 10. (1) The director may establish in accordance with the provisions of this chapter, by regulation, standards for the special packaging of any household substance if he finds that:

(a) The degree or nature of the hazard to children in the availability of such substance, by reason of its packaging is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using or ingesting such substance; and

(b) The special packaging to be required by such standard is technically feasible, practicable, and appropriate for such substance.

(2) In establishing a standard under this section, the director shall consider:

(a) The reasonableness of such standard;

(b) Available scientific, medical, and engineering data concerning special packaging and concerning childhood accidental ingestions, illness, and injury caused by household substances;

(c) The manufacturing practices of industries affected by this chapter; and

(d) The nature and use of the household substance.

(3) In carrying out the provisions of this chapter, the director shall publish his findings, his reasons therefor, and citation of the sections of statutes which authorize his action.

(4) Nothing in this chapter authorizes the director to prescribe specific packaging designs, product content, package quantity, or, with the exception of authority granted in section 11 (1) (b) of this 1974 act, labeling. In the case of a household substance for which special packaging is required pursuant to a regulation under this section, the director may in such regulation prohibit the packaging of such substance in packages which he determines are unnecessarily attractive to children.

(5) The director shall cause the regulations promulgated under this chapter to conform with the requirements or exemptions of the Federal Hazardous Substances Act and with the regulations or interpretations promulgated pursuant thereto.

NEW SECTION. Sec. 11. (1) For the purpose of making any household substance which is subject to a standard established under section 10 of this 1974 act readily available to elderly or handicapped persons unable to use such substance when packaged in compliance with such standard, the manufacturer or packer, as the case may be, may package any household substance, subject to such a standard, in packaging of a single size which does not comply with such standard if:

(a) The manufacturer or packer also supplies such substance in packages which comply with such standard; and

(b) The packages of such substance which do not meet such standard bear conspicuous labeling stating: "This package for households without young children"; except that the director may by regulation prescribe a substitute statement to the same effect for packaging too small to accommodate such labeling.

(2) In the case of a household substance which is subject to such a standard and which is dispensed pursuant to an order of a physician, dentist, or other licensed medical practitioner authorized to prescribe, such substance may be dispensed in noncomplying packages only when directed in such order or when requested by the purchaser.

(3) In the case of a household substance subject to such a standard which is packaged under subsection (1) of this section in a noncomplying package, if the director determines that such substance is not also being supplied by a manufacturer or packer in popular size packages which comply with such standard, he may, after giving the manufacturer or packer an opportunity to comply with the purposes of this chapter, by order require such substance to be packaged by such manufacturer or packer exclusively in special packaging complying with such standard if he finds, after opportunity for hearing, that such exclusive use of special packaging is necessary to accomplish the purposes of this chapter.

NEW SECTION. Sec. 12. One of the purposes of this chapter is to promote uniformity with the Poison Prevention Packaging Act of 1970 and rules and regulations adopted thereunder. In accordance with such declared purpose, all of the special packaging rules and regulations adopted under the Poison Prevention Packaging Act of 1970 (84 Stat. 1670; 7 U.S.C. Sec. 135; 15 U.S.C. Sec. 1261, 1471-1476; 21 U.S.C. Sec. 343, 352, 353, 362) on the effective date of this 1974 act, are hereby adopted as rules and regulations applicable to this chapter. In addition, any rule or regulation adopted hereafter under said Federal Poison Prevention Act of 1970 concerning special packaging and published in the federal register shall be deemed to have been adopted under the provisions of this chapter. The director may, however, within thirty days of the publication of the adoption of any such rule or regulation under the Federal Poison Prevention Packaging Act of 1970, give public notice that a hearing will be held to determine if such regulations shall not be applicable under the provisions of this chapter. Such hearing shall be conducted in accord with the provisions of chapter 34.04 RCW, Administrative Procedure Act, as now enacted or hereafter amended.

NEW SECTION. Sec. 13. For the purpose of carrying out the provisions of this chapter the director shall, within one hundred eighty days of the effective date of this 1974 act, appoint a technical advisory committee and appoint a chairman thereof, said committee to consist of one representative from each of the following:

- (1) The secretary of the department of social and health services;
- (2) The pharmacy board;
- (3) A hospital specializing in child welfare and poison care;
- (4) The packaging closures industry;
- (5) University of Washington Medical School;
- (6) University of Washington School of Pharmacy;
- (7) A specialist in pesticide and chemical handling and control from Washington State University;
- (8) The public;
- (9) The dairy and food division of the department of agriculture; and
- (10) A member of the Washington State Society of Pediatrics or its designee.

Members of the technical advisory committee who are not regular full time employees of a public agency or institution shall receive twenty-five dollars per diem for each day or major portion thereof plus reimbursement for actual travel expenses incurred in the

performance of their duties in the same manner as provided for state officials generally in chapter 43.03 RCW as now or hereafter amended.

NEW SECTION. Sec. 14. If any provision of this 1974 act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby.

NEW SECTION. Sec. 15. The enactment of this 1974 act shall not have the effect of terminating, or in any way modifying any liability, civil or criminal, which shall already be in existence on the effective date of this 1974 act.

NEW SECTION. Sec. 16. Any person violating the provisions of this chapter or rules adopted hereunder is guilty of a misdemeanor and is guilty of a gross misdemeanor for any subsequent offense, however, any offense committed more than five years after a previous conviction shall be considered a first offense.

NEW SECTION. Sec. 17. The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other remedy.

NEW SECTION. Sec. 18. There is added to Title 70 RCW a new chapter as set forth in sections 1 through 17 of this 1974 act.

Passed the House January 21, 1974.  
Passed the Senate February 6, 1974.  
Approved by the Governor February 14, 1974.  
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CHAPTER 50  
[House Bill No. 1084]  
PUBLIC TIME DEPOSITS—  
INTEREST RATE

AN ACT Relating to the deposit and investment of public funds; and amending section 12, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.120.

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

Section 1. Section 12, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.120 are each amended to read as follows:

(The public deposit protection commission shall from time to time fix the rate of interest to be paid by qualified public depositaries upon investment deposits; PROVIDED; That) Time deposits issued pursuant to this chapter shall bear interest at a rate ((which would)) not ((be)) in excess of ((one hundred percent of the average bill rate at the last U. S. Treasury 91-day bill market