

South Carolina General Assembly
119th Session, 2011-2012

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A120, R128, H3470

STATUS INFORMATION

General Bill

Sponsors: Reps. Pitts, Knight, Loftis and Toole

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Introduced in the House on January 27, 2011

Introduced in the Senate on April 28, 2011

Last Amended on April 26, 2011

Passed by the General Assembly on January 31, 2012

Governor's Action: February 22, 2012, Signed

Summary: Cleaning agents containing phosphate

HISTORY OF LEGISLATIVE ACTIONS

Date Body Action Description with journal page number

1/27/2011	House	Introduced and read first time (House Journal-page 7)
1/27/2011	House	Referred to Committee on Agriculture, Natural Resources and Environmental Affairs (House Journal-page 7)
2/16/2011	House	Member(s) request name added as sponsor: Knight
3/10/2011	House	Member(s) request name added as sponsor: Loftis
3/14/2011	House	Member(s) request name added as sponsor: Toole
4/13/2011	House	Committee report: Favorable with amendment Agriculture, Natural Resources and Environmental Affairs (House Journal-page 7)
4/18/2011		Scrivener's error corrected
4/26/2011	House	Amended (House Journal-page 65)
4/26/2011	House	Read second time (House Journal-page 65)
4/26/2011	House	Roll call Yeas-104 Nays-0 (House Journal-page 65)
4/27/2011	House	Read third time and sent to Senate (House Journal-page 11)
4/28/2011	Senate	Introduced and read first time (Senate Journal-page 6)
4/28/2011	Senate	Referred to Committee on Medical Affairs (Senate Journal-page 6)
5/25/2011	Senate	Recalled from Committee on Medical Affairs (Senate Journal-page 2)
6/1/2011	Senate	Read second time (Senate Journal-page 45)
6/1/2011	Senate	Roll call Ayes-34 Nays-2 (Senate Journal-page 45)
1/31/2012	Senate	Read third time and enrolled (Senate Journal-page 21)
2/21/2012		Ratified R 128
2/22/2012		Signed By Governor
2/29/2012		Effective date See Act for Effective Date
3/6/2012		Act No. 120

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VERSIONS OF THIS BILL

[1/27/2011](#)

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(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

(A120, R128, H3470)

AN ACT TO AMEND SECTION 44-53-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST USING, SELLING, OR MANUFACTURING CLEANING AGENTS CONTAINING PHOSPHATES, SO AS TO INCLUDE HOUSEHOLD AND COMMERCIAL LAUNDRY DETERGENTS AND HOUSEHOLD AND COMMERCIAL DISHWASHING DETERGENTS IN THIS PROHIBITION; TO FURTHER SPECIFY CRITERIA FOR AND TYPES OF CLEANING AGENTS EXEMPT FROM THIS PROHIBITION; TO AUTHORIZE THE SALE OF PROHIBITED CLEANING AGENTS THAT ARE IN A RETAILER'S INVENTORY ON JULY 1, 2012; AND TO STAGGER THE IMPLEMENTATION OF THE PROHIBITION OF THESE CLEANING AGENTS.

Be it enacted by the General Assembly of the State of South Carolina:

Sale of household and commercial laundry detergent and dishwashing detergent containing phosphorus prohibited

SECTION 1. Section 44-53-50 of the 1976 Code is amended to read:

"Section 44-53-50. (A) Except as otherwise provided in this section, a person may use, sell, manufacture, or distribute for use or sale in this State no cleaning agent that contains more than zero percent phosphorus by weight expressed as elemental phosphorus except for an amount not exceeding five-tenths of one percent. For the purposes of this section, 'cleaning agent' means a household or commercial laundry detergent, dishwashing compound, household cleaner, household or commercial dishwashing detergent, metal cleaner, industrial cleaner, phosphate compound, or other substance that is intended to be used for cleaning purposes.

(B) A person may use, sell, manufacture, or distribute for use or sale a cleaning agent that contains greater than zero percent phosphorus by weight but does not exceed eight and seven-tenths percent phosphorus by weight that is a substance excluded from the zero percent phosphorus limitation of this section by regulations adopted by the Department of Health and Environmental Control which are based on a finding that compliance with this section would:

- (1) create a significant hardship on the user; or
- (2) be unreasonable because of the lack of an adequate substitute cleaning agent.

(C) This section does not apply to a cleaning agent that is:

- (1) used in dairy, beverage, or food processing equipment;
- (2) used in hospitals, veterinary hospitals, clinics, or health care facilities or in agricultural or dairy production or in the manufacture of health care supplies;
- (3) used by industry for metal, fabric, or fiber cleaning or conditioning;
- (4) manufactured, stored, or distributed for use or sale outside of this State;
- (5) used in a laboratory, including a biological laboratory, research facility, chemical laboratory, or engineering laboratory; or
- (6) used as a water softening chemical, antiscaling chemical, or corrosion inhibitor intended for use in closed systems such as boilers, air conditioners, cooling towers, or hot water heating systems.

(D) The Department of Health and Environmental Control shall promulgate regulations to administer and enforce the provisions of this section. A cleaning agent held for sale or distribution in violation of this section may be seized by appropriate administrative or law enforcement personnel. The seized cleaning agents are considered forfeited.

(E) A person who knowingly sells, manufactures, or distributes any cleaning agent in violation of the provisions of this section shall receive a written warning from the Department of Health and Environmental Control for the first violation. For a subsequent violation, the person is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year. Each unlawful sale constitutes a separate violation.

(F) The provisions of this section may not restrict sale by a retailer of a household dishwashing detergent product from inventory existing and in stock at the retailer on July 1, 2012."

Time effective

SECTION 2. The provisions of this act relating to household dishwashing detergent take effect July 1, 2012. The provisions of this act relating to commercial dishwashing and laundry detergent and industrial cleaners take effect on July 1, 2013. All other provisions of this act take effect July 1, 2014.

Ratified the 21st day of February, 2012.

Approved the 22nd day of February, 2012.

This web page was last updated on Tuesday, December 10, 2013 at 10:18 A.M.