

AMENDED IN SENATE APRIL 22, 1997

AMENDED IN SENATE APRIL 7, 1997

SENATE BILL

No. 521

**Introduced by Senators Mountjoy, Haynes, Johannessen,
Knight, and Monteith**

(Coauthors: Assembly Members Frusetta, House, Margett,
~~and McClintock~~ *McClintock, Richter, and Woods*)

February 24, 1997

An act to add Section 43013.1 to the Health and Safety Code, relating to gasoline.

LEGISLATIVE COUNSEL'S DIGEST

SB 521, as amended, Mountjoy. Gasoline: MTBE.

(1) Existing law does not prohibit the sale of gasoline containing methyl tertiary butyl ether (MTBE).

This bill would, *until January 1, 1999, or until the completion of a study and certification by specified state agencies that there is no health risk, whichever occurs first*, make it a misdemeanor to sell gasoline containing methyl tertiary butyl ether (MTBE). The bill would impose a state-mandated local program by creating a new crime. The bill would prohibit the State Air Resources Board from permitting or requiring the use of MTBE in gasoline. ~~The bill would make Legislative findings and declarations in that regard.~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. (a) The Legislature hereby finds and~~
2 ~~declares all of the following:~~

3 ~~(1) Methyl tertiary butyl ether (MTBE) spreads~~
4 ~~rapidly through water and could pose a grave threat to~~
5 ~~the purity of California's water.~~

6 ~~(2) MTBE has been found in California's groundwater~~
7 ~~and reservoirs.~~

8 ~~(3) MTBE poses a cancer and health risk.~~

9 ~~(4) MTBE is a threat to public health and safety and to~~
10 ~~the environment.~~

11 ~~(b) For those reasons, the Legislature determines that~~
12 ~~it is necessary to prohibit the use of MTBE in gasoline and~~
13 ~~to make the sale of gasoline containing MTBE a~~
14 ~~misdemeanor.~~

15 ~~SEC. 2.—~~

16 *SECTION 1.* Section 43013.1 is added to the Health
17 and Safety Code, to read:

18 43013.1. (a) No person shall sell gasoline containing
19 methyl tertiary butyl ether (MTBE) *until January 1, 1999,*
20 *or until the completion of a health risks study on the*
21 *effects of MTBE on air, soil, and water under the auspices*
22 *of the State Department of Health Services, the State*
23 *Water Resources Control Board, and the California*
24 *Environmental Protection Agency, and those agencies*
25 *jointly certify to the Secretary of State the absence of a*
26 *health risk, whichever occurs first.* A violation of this
27 subdivision is a misdemeanor.

28 (b) The state board shall not adopt any rule or
29 regulation that permits or requires the use of MTBE in
30 gasoline.

31 ~~SEC. 3.—~~

32 *SEC. 2.* No reimbursement is required by this act
33 pursuant to Section 6 of Article XIII B of the California



1 Constitution because the only costs that may be incurred
2 by a local agency or school district will be incurred
3 because this act creates a new crime or infraction,
4 eliminates a crime or infraction, or changes the penalty
5 for a crime or infraction, within the meaning of Section
6 17556 of the Government Code, or changes the definition
7 of a crime within the meaning of Section 6 of Article
8 XIII B of the California Constitution.

9 Notwithstanding Section 17580 of the Government
10 Code, unless otherwise specified, the provisions of this act
11 shall become operative on the same date that the act
12 takes effect pursuant to the California Constitution.

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