
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: I-2505.1/12

ATTY/TYPIST: ML:crs

BRIEF DESCRIPTION:

AN ACT Relating to checkout bags; amending RCW 70.93.030; adding new sections to chapter 70.93 RCW; adding a new section to chapter 82.04 RCW; and prescribing penalties.

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

Sec. 1. RCW 70.93.030 and 2007 c 244 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Conveyance" means a boat, airplane, or vehicle.

(2) "Department" means the department of ecology.

(3) "Director" means the director of the department of ecology.

(4) "Disposable package or container" means all packages or containers defined as such by rules adopted by the department of ecology.

(5) "Junk vehicle" has the same meaning as defined in RCW 46.55.010.

(6) "Litter" means all waste material including but not limited to disposable packages or containers thrown or deposited as herein prohibited and solid waste that is illegally dumped, but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing. "Litter" includes the material described in subsection (11) of this section as "potentially dangerous litter."

(7) "Litter bag" means a bag, sack, or other container made of any material which is large enough to serve as a receptacle for litter inside the vehicle or watercraft of any person. It is not necessarily limited to the state approved litter bag but must be similar in size and capacity.

(8) "Litter receptacle" means those containers adopted by the department of ecology and which may be standardized as to size, shape, capacity, and color and which shall bear the state anti-litter symbol, as well as any other receptacles suitable for the depositing of litter.

(9) "Official gathering" means an event where authorization to hold the event is approved, recognized, or issued by a government, public body, or authority, including but not limited to fairs, musical concerts, athletic games, festivals, tournaments, or any other formal or ceremonial event, during which beverages are sold by a vendor or vendors in single-use aluminum, glass, or plastic bottles or cans.

(10) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or other entity whatsoever.

(11) "Potentially dangerous litter" means litter that is likely to injure a person or cause damage to a vehicle or other property. "Potentially dangerous litter" means:

(a) Cigarettes, cigars, or other tobacco products that are capable of starting a fire;

(b) Glass;

(c) A container or other product made predominantly or entirely of glass;

(d) A hypodermic needle or other medical instrument designed to cut or pierce;

(e) Raw human waste, including soiled baby diapers, regardless of whether or not the waste is in a container of any sort; and

(f) Nails or tacks.

(12) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.

(13) "Recycling" means transforming or remanufacturing waste materials into a finished product for use other than landfill disposal or incineration.

(14) "Recycling center" means a central collection point for recyclable materials.

(15) "Sports facility" means an outdoor recreational sports facility, including but not limited to athletic fields and ballparks, at which beverages are sold by a vendor or vendors in single-use aluminum, glass, or plastic bottles or cans.

(16) "To litter" means a single or cumulative act of disposing of litter.

(17) "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(18) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

(19) "Watercraft" means any boat, ship, vessel, barge, or other floating craft.

(20) "Checkout bag" means a bag that is provided by a retail store to a customer at the point of sale. "Checkout bag" does not include a bag used solely to contain the following:

(a) Fresh meat and fresh meat products, including pork, beef, seafood, and poultry;

(b) Fruit or vegetables;

(c) Nuts or other bulk items;

(d) Dairy products;

(e) Ice; or

(f) Cooked foods.

(21) "Recycled paper bags" means a checkout bag produced by a manufacturer whose total production of paper checkout bags in the preceding calendar year averaged at least forty percent recycled fiber.

NEW SECTION. **Sec. 2.** A new section is added to chapter 70.93 RCW to read as follows:

(1) Except as otherwise provided in this section, retail stores may only provide the following types of checkout bags:

(a) Checkout bags that are made of reusable machine-washable textile materials;

(b) Checkout bags that are made of reusable plastic that is at least 2.25 mils thick and is specifically designed and manufactured for multiple reuse; and

(c) Checkout bags that satisfy the definition of recycled paper bags if the customer:

(i) Uses a voucher issued by the United States department of agriculture under the women, infants, and children program;

(ii) Uses benefits known as food stamps as provided under RCW 74.04.500; or

(iii) Makes payment to the store for the use of the recycled paper bag in an amount not less than five cents per recycled paper bag.

(2) This section does not apply to retail stores when they are providing a checkout bag to a customer purchasing a product marked with health information or other confidential information.

(3) Retail stores operating in violation of this section are subject to a class 1 civil infraction under chapter 7.80 RCW. Each calendar day of operation in violation of this section comprises a new violation. However, the department must provide retail stores with a reasonable time and the necessary information to achieve compliance with this section.

(4) The department shall develop guidelines identifying the specifications of checkout bags allowed under this section. Retail

stores providing checkout bags consistent with the guidelines are deemed to be in compliance with this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 70.93 RCW to read as follows:

No city, county, or other unit of local government may impose a tax, fee, assessment, surcharge, or other charge on any product satisfying the definition of checkout bag.

NEW SECTION. **Sec. 4.** A new section is added to chapter 82.04 RCW to read as follows:

This chapter does not apply to amounts received by retail stores from customers who provide payment for the use of a recycled paper bag under section 2 of this act. As used in this section, the term "recycled paper bag" has the same meaning as provided in RCW 70.93.030.