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HOUSE BILL 2424

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State of Washington

60th Legislature

2008 Regular Session

By Representatives Chase, Lantz, Hunt, and Campbell

Prefiled 12/03/07. Read first time 01/14/08. Referred to Committee on Select Committee on Environmental Health.

1 AN ACT Relating to grocery checkout bags; amending RCW 70.93.030;  
2 reenacting and amending RCW 7.80.120; adding a new section to chapter  
3 70.93 RCW; adding a new section to chapter 82.19 RCW; prescribing  
4 penalties; and providing an effective date.

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

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

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

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

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

15 (b) Fruit or vegetables;

16 (c) Nuts or other bulk items;

17 (d) Dairy products;

18 (e) Ice; or

19 (f) Cooked foods.

1           (2) "Conveyance" means a boat, airplane, or vehicle.  
2           (~~(+2)~~) (3) "Department" means the department of ecology.  
3           (~~(+3)~~) (4) "Director" means the director of the department of  
4 ecology.  
5           (~~(+4)~~) (5) "Disposable package or container" means all packages or  
6 containers defined as such by rules adopted by the department of  
7 ecology.  
8           (~~(+5)~~) (6) "Grocery store" means a retail business where the sale  
9 of food and grocery products, as the terms "food" and "grocery  
10 products" are defined in RCW 69.80.031, represents at least fifty  
11 percent of all sales. The term "grocery store" does not apply to  
12 restaurants or other organizations whose primary business is the  
13 preparation and sale of prepared food, as the term "prepared food" is  
14 defined in RCW 82.08.0293.  
15           (7) "Junk vehicle" has the same meaning as defined in RCW  
16 46.55.010.  
17           (~~(+6)~~) (8) "Litter" means all waste material including but not  
18 limited to disposable packages or containers thrown or deposited as  
19 herein prohibited and solid waste that is illegally dumped, but not  
20 including the wastes of the primary processes of mining, logging,  
21 sawmilling, farming, or manufacturing. "Litter" includes the material  
22 described in subsection (~~(+11)~~) (13) of this section as "potentially  
23 dangerous litter."  
24           (~~(+7)~~) (9) "Litter bag" means a bag, sack, or other container made  
25 of any material which is large enough to serve as a receptacle for  
26 litter inside the vehicle or watercraft of any person. It is not  
27 necessarily limited to the state approved litter bag but must be  
28 similar in size and capacity.  
29           (~~(+8)~~) (10) "Litter receptacle" means those containers adopted by  
30 the department of ecology and which may be standardized as to size,  
31 shape, capacity, and color and which shall bear the state anti-litter  
32 symbol, as well as any other receptacles suitable for the depositing of  
33 litter.  
34           (~~(+9)~~) (11) "Official gathering" means an event where  
35 authorization to hold the event is approved, recognized, or issued by  
36 a government, public body, or authority, including but not limited to  
37 fairs, musical concerts, athletic games, festivals, tournaments, or any

1 other formal or ceremonial event, during which beverages are sold by a  
2 vendor or vendors in single-use aluminum, glass, or plastic bottles or  
3 cans.

4 ~~((+10+))~~ (12) "Person" means any political subdivision, government  
5 agency, municipality, industry, public or private corporation,  
6 copartnership, association, firm, individual, or other entity  
7 whatsoever.

8 ~~((+11+))~~ (13) "Potentially dangerous litter" means litter that is  
9 likely to injure a person or cause damage to a vehicle or other  
10 property. "Potentially dangerous litter" means:

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

13 (b) Glass;

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

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

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

20 (f) Nails or tacks.

21 ~~((+12+))~~ (14) "Public place" means any area that is used or held  
22 out for use by the public whether owned or operated by public or  
23 private interests.

24 ~~((+13+))~~ (15) "Recycling" means transforming or remanufacturing  
25 waste materials into a finished product for use other than landfill  
26 disposal or incineration.

27 ~~((+14+))~~ (16) "Recycling center" means a central collection point  
28 for recyclable materials.

29 ~~((+15+))~~ (17) "Sports facility" means an outdoor recreational  
30 sports facility, including but not limited to athletic fields and  
31 ballparks, at which beverages are sold by a vendor or vendors in  
32 single-use aluminum, glass, or plastic bottles or cans.

33 ~~((+16+))~~ (18) "To litter" means a single or cumulative act of  
34 disposing of litter.

35 ~~((+17+))~~ (19) "Vehicle" includes every device capable of being  
36 moved upon a public highway and in, upon, or by which any persons or  
37 property is or may be transported or drawn upon a public highway,

1 excepting devices moved by human or animal power or used exclusively  
2 upon stationary rails or tracks.

3 ~~((18))~~ (20) "Waste reduction" means reducing the amount or  
4 toxicity of waste generated or reusing materials.

5 ~~((19))~~ (21) "Watercraft" means any boat, ship, vessel, barge, or  
6 other floating craft.

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

9 (1) Grocery stores may only provide checkout bags that are made of  
10 either recyclable paper, compostable plastic, reusable machine-washable  
11 textile materials, or reusable plastic that is at least 2.25 mils thick  
12 and is specifically designed and manufactured for multiple reuse.

13 (2) Grocery stores operating in violation of this section are  
14 subject to a class 1 civil infraction under chapter 7.80 RCW. Each  
15 calendar day of operation in violation of this section comprises a new  
16 violation.

17 (3) The department shall develop guidelines identifying the  
18 specifications of checkout bags allowed under this section. Grocery  
19 stores providing checkout bags consistent with the guidelines are  
20 deemed to be in compliance with this section.

21 NEW SECTION. **Sec. 3.** A new section is added to chapter 82.19 RCW  
22 to read as follows:

23 (1) There may be credited against the tax imposed by this chapter:

24 (a) The actual cost incurred by a grocery store in a reporting  
25 period in providing its customers with checkout bags made of reusable  
26 machine-washable textile materials if the grocery store does not charge  
27 the customer for the checkout bag; or

28 (b) The difference between the actual cost to a grocery store and  
29 the revenues generated by the grocery store in a reporting period if  
30 the grocery store charges customers for checkout bags made of reusable  
31 machine-washable textile materials at a price that is less than the  
32 cost incurred by the grocery store in providing the checkout bags made  
33 of reusable machine-washable textile materials.

34 (2) The credit allowed under this section shall be limited to the  
35 amount of tax imposed by this chapter. Any unused credit in a

1 reporting period may be carried forward to future reporting periods for  
2 a maximum of one year.

3 (3) As used in this section, the terms "grocery store" and  
4 "checkout bag" have the same meaning as provided in RCW 70.93.030.

5 **Sec. 4.** RCW 7.80.120 and 2003 c 365 s 3 and 2003 c 337 s 4 are  
6 each reenacted and amended to read as follows:

7 (1) A person found to have committed a civil infraction shall be  
8 assessed a monetary penalty.

9 (a) The maximum penalty and the default amount for a class 1 civil  
10 infraction shall be two hundred fifty dollars, not including statutory  
11 assessments, except for an infraction of state law involving  
12 potentially dangerous litter as specified in RCW 70.93.060(4) (~~and an~~  
13 ~~infraction of state law involving~~), violent video or computer games  
14 under RCW 9.91.180, and checkout bags under section 2 of this act, in  
15 which case the maximum penalty and default amount is five hundred  
16 dollars;

17 (b) The maximum penalty and the default amount for a class 2 civil  
18 infraction shall be one hundred twenty-five dollars, not including  
19 statutory assessments;

20 (c) The maximum penalty and the default amount for a class 3 civil  
21 infraction shall be fifty dollars, not including statutory assessments;  
22 and

23 (d) The maximum penalty and the default amount for a class 4 civil  
24 infraction shall be twenty-five dollars, not including statutory  
25 assessments.

26 (2) The supreme court shall prescribe by rule the conditions under  
27 which local courts may exercise discretion in assessing fines for civil  
28 infractions.

29 (3) Whenever a monetary penalty is imposed by a court under this  
30 chapter it is immediately payable. If the person is unable to pay at  
31 that time the court may grant an extension of the period in which the  
32 penalty may be paid. If the penalty is not paid on or before the time  
33 established for payment, the court may proceed to collect the penalty  
34 in the same manner as other civil judgments and may notify the  
35 prosecuting authority of the failure to pay.

36 (4) The court may also order a person found to have committed a

1 civil infraction to make restitution.

2 NEW SECTION. **Sec. 5.** This act takes effect January 1, 2009.

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