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**SUBSTITUTE HOUSE BILL 1632**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** House Environment & Energy (originally sponsored by Representatives Gregerson, Doglio, Peterson, Mead, Tarleton, Macri, Valdez, Fey, Kloba, Pollet, and Bergquist)

AN ACT Relating to reducing pollution from single-use plastic food service ware; adding a new section to chapter 70.93 RCW; creating a new section; prescribing penalties; and providing an effective date.

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

NEW SECTION. **Sec.**  (1) The legislature finds that plastic products have proliferated in modern commerce. While many plastic products feature some positive environmental, economic, and logistical attributes, the costs of many plastic products, especially single-use plastic products, far outweigh their benefits. Plastic utensils, straws, cups, plates, and wrappers all frequently wind up as litter or end up polluting our marine environment. Single-use plastics break down into small, toxic pieces in the marine environment and enter the diets of fish, birds, and other organisms, where they may pose a particular burden for endangered species like salmon and southern resident killer whales. Single-use plastic food service products also contaminate our recycling and compost systems, contaminating other recyclables, such as paper, and reducing the cost-effectiveness of recycling other truly recyclable plastic products and jeopardizing the quality of our compost.

(2) Therefore, in light of the need to protect our sensitive marine environments, and with a desire to lead a transition to more environmentally sustainable alternatives, it is the intent of the legislature to phase out the use of single-use plastic food service products, and to take other steps to reduce the waste of single-use plastic food service products prior to enacting legislation to entirely phase out single-use plastic food service products.

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

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Condiment packaging" means plastic packaging used to deliver single-serving condiments to customers. Condiment packaging includes, but is not limited to, single-serving plastic packaging for ketchup, mustard, relish, mayonnaise, hot sauce, coffee creamer, salad dressing, jelly and jam, and soy sauce.

(b) "Food service businesses" means businesses selling or providing food for consumption on or off the premises, including full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts, home delivery services, and business or institutional cafeterias.

(c) "Food service product" means a product including, but not limited to, containers, plates, bowls, cups, lids, meat trays, deli rounds, utensils, sachets, straws, condiment packaging, clamshells and other hinged or lidded containers, sandwich wrap, portion cups, and other food service products that are intended for one-time use and used for food or drink offered for sale or use.

(d) "Plastic food service product" means a food service product that is composed of:

(i) Plastic; or

(ii) Fiber or paper with a plastic coating, window, component, or additive.

(e) "Retail establishment" means any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides merchandise, goods, or materials directly to a customer. "Retail establishment" includes, but is not limited to, food service businesses, grocery stores, department stores, hardware stores, home delivery services, pharmacies, liquor stores, restaurants, catering trucks, convenience stores, or other retail stores or vendors, including temporary stores or vendors at farmers markets, street fairs, and festivals.

(f)(i) "Utensil" means a product designed to be used by a consumer to facilitate the consumption of food or beverages, including knives, forks, spoons, cocktail picks, chopsticks, splash sticks, and stirrers.

(ii) "Utensil" does not include plates, bowls, cups, and other products used to contain food or beverages.

(2) A food service business at which the opportunity is provided for the on-site consumption of food or beverages may provide the following types of plastic food service products only upon the request of the consumer:

(a) Utensils;

(b) Straws; and

(c) Condiment packaging.

(3) A food service business at which no opportunity is provided for the on-site consumption of food or beverages may provide types of plastic food service products identified in subsection (2) of this section only after asking if the customer would like to obtain the plastic food service products, and the customer responds affirmatively.

(4) Nothing in this section prohibits a food service business from making utensils, straws, and condiments available to customers using cylinders, bins, dispensers, containers, or other means of allowing for single plastic utensils, straws, and condiments to be obtained at the affirmative volition of the customer. Utensils provided by a food service business for use by customers may not be bundled or packaged in plastic in such a way that a customer is unable to take only the type of utensil or utensils desired without also taking a different type or types of utensil.

(5) A violation of this section is deemed to be littering in an amount less than or equal to one cubic foot, and is a class 3 civil infraction as provided in RCW 70.93.060(2)(a). For purposes of processing the civil infraction, the retail establishment is the person responsible for the civil infraction.

(6)(a) Beginning July 1, 2019, a city, town, county, or municipal corporation may not enact an ordinance to reduce pollution from single-use plastic food service products by requiring a request of plastic food service products by the customer of the food service business or other retail establishment.

(b) Any local plastic food service products ordinance that is in effect as of July 1, 2019, is not preempted or repealed.

NEW SECTION. **Sec.**  Section 2 of this act takes effect January 1, 2020.

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