
HOUSE BILL 2404

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Fitzgibbon, Lias, Pedersen, Pollet, Carlyle, Reykdal, Moscoso, and Jinkins

Read first time 01/13/12. Referred to Committee on Environment.

1 AN ACT Relating to reducing the use of disposable checkout bags in
2 a manner that is consistent for consumers statewide; amending RCW
3 70.93.030; adding new sections to chapter 70.93 RCW; adding a new
4 section to chapter 82.04 RCW; and prescribing penalties.

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

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

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

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

16 (5) "Junk vehicle" has the same meaning as defined in RCW
17 46.55.010.

18 (6) "Litter" means all waste material including but not limited to
19 disposable packages or containers thrown or deposited as herein

1 prohibited and solid waste that is illegally dumped, but not including
2 the wastes of the primary processes of mining, logging, sawmilling,
3 farming, or manufacturing. "Litter" includes the material described in
4 subsection (11) of this section as "potentially dangerous litter."

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

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

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

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

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

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

28 (b) Glass;

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

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

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

35 (f) Nails or tacks.

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

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

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

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

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

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

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

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

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

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

26 (b) Fruit or vegetables;

27 (c) Nuts or other bulk items;

28 (d) Dairy products;

29 (e) Ice; or

30 (f) Cooked foods.

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

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

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

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

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

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

8 (i) Uses benefits known as food stamps as provided under RCW
9 74.04.500; or

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

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

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

21 (4) The department shall develop guidelines identifying the
22 specifications of checkout bags allowed under this section. Retail
23 stores providing checkout bags consistent with the guidelines are
24 deemed to be in compliance with this section.

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

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

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

32 This chapter does not apply to amounts received by retail stores
33 from customers who provide payment for the use of a recycled paper bag
34 under section 2 of this act. As used in this section, the term

1 "recycled paper bag" has the same meaning as provided in RCW 70.93.030.

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