

ESSB 5323 - H AMD 2167

By Representative Chapman

ADOPTED 03/07/2020

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) State policy has long placed waste
4 reduction as the highest priority in the collection, handling, and
5 management of solid waste. Reducing plastic bag waste holds
6 particular importance among state waste reduction efforts for a
7 number of reasons:

8 (a) Single-use plastic carryout bags are made of nonrenewable
9 resources and never biodegrade; instead, over time, they break down
10 into tiny particles. Single-use plastic carryout bags, and the
11 particles they break into, are carried into rivers, lakes, Puget
12 Sound, and the world's oceans, posing a threat to animal life and the
13 food chain;

14 (b) Plastic bags are one of the most commonly found items that
15 litter state roads, beaches, and other public spaces; and

16 (c) Even when plastic bags avoid the common fate of becoming
17 litter, they are a drain on public resources and a burden on
18 environment and resource conservation goals. For example, if plastic
19 bags are disposed of in commingled recycling systems rather than as
20 garbage or in retailer drop-off programs, they clog processing and
21 sorting machinery, resulting in missorted materials and costly
22 inefficiencies that are ultimately borne by utility ratepayers.
23 Likewise, when green or brown-tinted plastic bags confuse consumers
24 into attempting to dispose of them as compost, the resultant plastic
25 contamination undercuts the ability to use the compost in gardens,
26 farms, landscaping, and surface water and transportation projects.

27 (2) Alternatives to single-use plastic carryout bags are
28 convenient, functional, widely available, and measure as superior
29 across most environmental performance metrics. Alternatives to
30 single-use plastic carryout bags feature especially superior
31 environmental performance with respect to litter and marine debris,
32 since plastic bags do not biodegrade.

1 (3) As of 2020, many local governments in Washington have shown
2 leadership in regulating the use of single-use plastic carryout bags.
3 This local leadership has shown the value of establishing state
4 standards that will streamline regulatory inconsistency and reduce
5 burdens on covered retailers caused by a patchwork of inconsistent
6 local requirements across the state.

7 (4) Data provided from grocery retailers has shown that requests
8 for paper bags have skyrocketed where plastic bag bans have been
9 implemented. To accommodate the anticipated consequences of a
10 statewide plastic bag ban, it is rational to expect additional
11 capacity will be needed in Washington state for manufacturing paper
12 bags. The legislature intends to provide that capacity by
13 prioritizing and expediting siting and permitting of expansions or
14 reconfiguring for paper manufacturing.

15 (5) Therefore, in order to reduce waste, litter, and marine
16 pollution, conserve resources, and protect fish and wildlife, it is
17 the intent of the legislature to:

18 (a) Prohibit the use of single-use plastic carryout bags;

19 (b) Require a pass-through charge on recycled content paper
20 carryout bags and reusable carryout bags made of film plastic, to
21 encourage shoppers to bring their own reusable carryout bags;

22 (c) Require that bags provided by a retail establishment contain
23 recycled content; and

24 (d) Encourage the provision of reusable and recycled content
25 paper carryout bags by retail establishments.

26 NEW SECTION. **Sec. 2.** The definitions in this section apply
27 throughout this chapter unless the context clearly requires
28 otherwise.

29 (1) "Carryout bag" means any bag that is provided by a retail
30 establishment at home delivery, the check stand, cash register, point
31 of sale, or other point of departure to a customer for use to
32 transport or carry away purchases.

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

34 (3) "Pass-through charge" means a charge to be collected and
35 retained by retail establishments from their customers when providing
36 recycled content paper carryout bags and reusable carryout bags made
37 of film plastic.

1 (4) "Recycled content paper carryout bag" means a paper carryout
2 bag provided by a retail establishment to a customer that meets the
3 requirements in section 3(6)(a) of this act.

4 (5) "Retail establishment" means any person, corporation,
5 partnership, business, facility, vendor, organization, or individual
6 that sells or provides food, merchandise, goods, or materials
7 directly to a customer including home delivery, temporary stores, or
8 vendors at farmers markets, street fairs, and festivals.

9 (6) "Reusable carryout bag" means a carryout bag made of cloth or
10 other durable material with handles that is specifically designed and
11 manufactured for long-term multiple reuse and meets the requirements
12 of section 3(6)(b) of this act.

13 (7) "Single-use plastic carryout bag" means any carryout bag that
14 is made from plastic that is designed and suitable only to be used
15 once and disposed.

16 NEW SECTION. **Sec. 3.** (1) Beginning January 1, 2021, except as
17 provided in this section and section 4 of this act, a retail
18 establishment may not provide to a customer or a person at an event:

19 (a) A single-use plastic carryout bag;

20 (b) A paper carryout bag or reusable carryout bag made of film
21 plastic that does not meet recycled content requirements; or

22 (c) Beginning January 1, 2026, a reusable carryout bag made of
23 film plastic with a thickness of less than four mils, in the event
24 that the 2025 legislature does not amend this section to reflect the
25 recommendations to the legislature made consistent with section 7 of
26 this act.

27 (2)(a) A retail establishment may provide a reusable carryout bag
28 or a recycled content paper carryout bag of any size to a customer at
29 the point of sale. A retail establishment may make reusable carryout
30 bags available to customers through sale.

31 (b)(i) Until December 31, 2025, a retail establishment must
32 collect a pass-through charge of eight cents for every recycled
33 content paper carryout bag with a manufacturer's stated capacity of
34 one-eighth barrel (eight hundred eighty-two cubic inches) or greater
35 or reusable carryout bag made of film plastic it provides, except as
36 provided in subsection (5) of this section and section 4 of this act.

37 (ii) Beginning January 1, 2026, a retail establishment must
38 collect a pass-through charge of twelve cents for reusable carryout
39 bags made of film plastic and eight cents for recycled content paper

1 carryout bags, in the event that the 2025 legislature does not amend
2 this section to reflect the recommendations to the legislature made
3 consistent with section 7 of this act. It is the intent of the
4 legislature for the 2025 legislature to reassess the amount of the
5 pass-through charge authorized under this subsection (2)(b), taking
6 into consideration the content of the report to the legislature under
7 section 7 of this act.

8 (c) A retail establishment must keep all revenue from pass-
9 through charges. The pass-through charge is a taxable retail sale. A
10 retail establishment must show all pass-through charges on a receipt
11 provided to the customer.

12 (3) Carryout bags provided by a retail establishment do not
13 include:

14 (a) Bags used by consumers inside stores to:

15 (i) Package bulk items, such as fruit, vegetables, nuts, grains,
16 candy, greeting cards, or small hardware items such as nails, bolts,
17 or screws;

18 (ii) Contain or wrap items where dampness or sanitation might be
19 a problem including, but not limited to:

20 (A) Frozen foods;

21 (B) Meat;

22 (C) Fish;

23 (D) Flowers; and

24 (E) Potted plants;

25 (iii) Contain unwrapped prepared foods or bakery goods;

26 (iv) Contain prescription drugs; or

27 (v) Protect a purchased item from damaging or contaminating other
28 purchased items when placed in a recycled content paper carryout bag
29 or reusable carryout bag; or

30 (b) Newspaper bags, mailing pouches, sealed envelopes, door
31 hanger bags, laundry/dry cleaning bags, or bags sold in packages
32 containing multiple bags for uses such as food storage, garbage, or
33 pet waste.

34 (4)(a) Any compostable film bag that a retail establishment
35 provides to customers for products, including for products bagged in
36 stores prior to checkout, must meet the requirements for compostable
37 products and film bags in chapter 70.360 RCW.

38 (b) A retail establishment may not use or provide polyethylene or
39 other noncompostable plastic bags for bagging of customer products in
40 stores, as carryout bags, or for home delivery that do not meet the

1 requirements for noncompostable products and film bags in chapter
2 70.360 RCW.

3 (5) Except as provided by local regulations enacted as of April
4 1, 2020, a retail establishment may provide a bag restricted under
5 subsection (1) of this section from existing inventory until one year
6 after the effective date of this section. The retail establishment,
7 upon request by the department, must provide purchase invoices,
8 distribution receipts, or other information documenting that the bag
9 was acquired prior to the effective date of this section.

10 (6) For the purposes of this section:

11 (a) A recycled content paper carryout bag must:

12 (i) Contain a minimum of forty percent postconsumer recycled
13 materials;

14 (ii) Be capable of composting, consistent with the timeline and
15 specifications of the entire American society of testing materials
16 D6868 and associated test methods that must be met, as it existed as
17 of January 1, 2020; and

18 (iii) Display in print on the exterior of the paper bag the
19 minimum percentage of postconsumer content.

20 (b) A reusable carryout bag must:

21 (i) Have a minimum lifetime of one hundred twenty-five uses,
22 which for purposes of this subsection means the capacity to carry a
23 minimum of twenty-two pounds one hundred twenty-five times over a
24 distance of at least one hundred seventy-five feet;

25 (ii) Be machine washable or made from a durable material that may
26 be cleaned or disinfected; and

27 (iii) If made of film plastic:

28 (A) Be made from a minimum of twenty percent postconsumer
29 recycled content until July 1, 2022, and thereafter must be made from
30 a minimum of forty percent postconsumer recycled content;

31 (B) Display in print on the exterior of the plastic bag the
32 minimum percentage of postconsumer recycled content, the mil
33 thickness, and that the bag is reusable; and

34 (C) Have a minimum thickness of no less than 2.25 mils until
35 December 31, 2025, and beginning January 1, 2026, must have a minimum
36 thickness of four mils.

37 (c) Except for the purposes of subsection (4) of this section,
38 food banks and other food assistance programs are not retail
39 establishments, but are encouraged to take actions to reduce the use
40 of single-use plastic carryout bags.

1 NEW SECTION. **Sec. 4.** It is a violation of section 3 of this act
2 for any retail establishment to pay or otherwise reimburse a customer
3 for any portion of the pass-through charge; provided that retail
4 establishments may not collect a pass-through charge from anyone
5 using a voucher or electronic benefits card issued under the women,
6 infants, and children (WIC) or temporary assistance for needy
7 families (TANF) support programs, or the federal supplemental
8 nutrition assistance program (SNAP, also known as basic food), or the
9 Washington state food assistance program (FAP).

10 NEW SECTION. **Sec. 5.** (1) Until June 1, 2025, the department
11 shall prioritize the expedited processing of applications for permits
12 related to the expansion or reconfiguration of an existing pulp and
13 paper mill for the purpose of manufacturing paper bags or raw
14 materials used to manufacture paper bags.

15 (2) The department may adopt rules as necessary for the purpose
16 of implementing, administering, and enforcing this chapter.

17 (3) The enforcement of this chapter must be based primarily on
18 complaints filed with the department and local governments. The
19 department must establish a forum for the filing of complaints. Local
20 governments and any person may file complaints with the department
21 using the forum and local governments may review complaints filed
22 with the department via the forum for purposes of the local
23 government carrying out education and outreach to retail
24 establishments. The forum established by the department may include a
25 complaint form on the department's web site, a telephone hotline, or
26 a public outreach strategy relying upon electronic social media to
27 receive complaints that allege violations. The department, in
28 collaboration with the local governments, must provide education and
29 outreach activities to inform retail establishments, consumers, and
30 other interested individuals about the requirements of this chapter.

31 (4) The department or local government shall work with retail
32 establishments, retail associations, unions, and other organizations
33 to create educational elements regarding the ban and the benefits of
34 reusable carryout bags. Educational elements may include signage at
35 store locations, informational literature, and employee training by
36 October 1, 2020.

37 (5) Retail establishments are encouraged to educate their staff
38 to promote reusable bags as the best option for carryout bags and to
39 post signs encouraging customers to use reusable carryout bags.

1 (6) A violation of this chapter is subject to a civil penalty of
2 up to two hundred fifty dollars. Each calendar day of operation or
3 activity in violation of this chapter comprises a new violation.
4 Penalties issued under this section are appealable to the pollution
5 control hearings board established in chapter 43.21B RCW.

6 (7) If specific funding for the purposes of this act, referencing
7 this act by bill or chapter number, is not provided by July 1, 2020,
8 from the waste reduction, recycling, and litter control account for
9 purposes of implementing the education and outreach activities
10 required under this section, then this act is null and void.

11 NEW SECTION. **Sec. 6.** (1) Except as provided in subsection (2)
12 of this section, a city, town, county, or municipal corporation may
13 not implement a local carryout bag ordinance. Except as provided in
14 subsection (2) of this section, any carryout bag ordinance that was
15 enacted as of April 1, 2020, is preempted by this chapter.

16 (2)(a) A city, town, county, or municipal corporation carryout
17 bag ordinance enacted as of April 1, 2020, that has established a
18 pass-through charge of ten cents is not preempted with respect to the
19 amount of the pass-through charge until January 1, 2026.

20 (b) A city, town, county, or municipal corporation ordinance not
21 specified in (a) of this subsection and enacted as of April 1 2020,
22 is not preempted until January 1, 2021.

23 NEW SECTION. **Sec. 7.** (1) By December 1, 2024, the department of
24 commerce, in consultation with the department, must submit a report
25 to the appropriate committees of the legislature in order to allow an
26 opportunity for the legislature to amend the mil thickness
27 requirements for reusable carryout bags made of film plastic, the
28 amount of the pass-through charges for bags, or to make other needed
29 revisions to this chapter during the 2025 legislative session. The
30 report required under this section must include:

31 (a) An assessment of the effectiveness of the pass-through charge
32 for reducing the total volume of bags purchased and encouraging the
33 use of reusable carryout bags;

34 (b) An assessment of the sufficiency of the amount of the pass-
35 through charge allowed under chapter 70.--- RCW (the new chapter
36 created in section 13 of this act) relative to the cost of the
37 authorized bags to retail establishments and an assessment of the
38 pricing and availability of various types of carryout bags. For

1 purposes of conducting this assessment, the department and the
2 department of commerce may request, but not require, retail
3 establishments and bag distributors to furnish information regarding
4 the cost of various types of paper and plastic carryout bags provided
5 to retail establishments; and

6 (c) Recommendations for revisions to chapter 70.--- RCW (the new
7 chapter created in section 13 of this act), if needed.

8 (2) This section expires July 1, 2027.

9 NEW SECTION. **Sec. 8.** A new section is added to chapter 82.04
10 RCW to read as follows:

11 In computing the tax due under this chapter, there may be
12 deducted any amounts derived from the pass-through charge collected
13 by a taxpayer pursuant to chapter 70.--- RCW (the new chapter created
14 in section 13 of this act).

15 NEW SECTION. **Sec. 9.** RCW 82.32.805 and 82.32.808 do not apply
16 to this act.

17 **Sec. 10.** RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10,
18 and 2019 c 290 s 12 are each reenacted and amended to read as
19 follows:

20 (1) The hearings board shall only have jurisdiction to hear and
21 decide appeals from the following decisions of the department, the
22 director, local conservation districts, the air pollution control
23 boards or authorities as established pursuant to chapter 70.94 RCW,
24 local health departments, the department of natural resources, the
25 department of fish and wildlife, the parks and recreation commission,
26 and authorized public entities described in chapter 79.100 RCW:

27 (a) Civil penalties imposed pursuant to RCW 18.104.155,
28 70.94.431, 70.105.080, 70.107.050, section 5 of this act, 70.365.070,
29 70.375.060, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600,
30 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

31 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,
32 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 86.16.020,
33 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

34 (c) A final decision by the department or director made under
35 chapter 183, Laws of 2009.

36 (d) Except as provided in RCW 90.03.210(2), the issuance,
37 modification, or termination of any permit, certificate, or license

1 by the department or any air authority in the exercise of its
2 jurisdiction, including the issuance or termination of a waste
3 disposal permit, the denial of an application for a waste disposal
4 permit, the modification of the conditions or the terms of a waste
5 disposal permit, or a decision to approve or deny an application for
6 a solid waste permit exemption under RCW 70.95.300.

7 (e) Decisions of local health departments regarding the grant or
8 denial of solid waste permits pursuant to chapter 70.95 RCW.

9 (f) Decisions of local health departments regarding the issuance
10 and enforcement of permits to use or dispose of biosolids under RCW
11 70.95J.080.

12 (g) Decisions of the department regarding waste-derived
13 fertilizer or micronutrient fertilizer under RCW 15.54.820, and
14 decisions of the department regarding waste-derived soil amendments
15 under RCW 70.95.205.

16 (h) Decisions of local conservation districts related to the
17 denial of approval or denial of certification of a dairy nutrient
18 management plan; conditions contained in a plan; application of any
19 dairy nutrient management practices, standards, methods, and
20 technologies to a particular dairy farm; and failure to adhere to the
21 plan review and approval timelines in RCW 90.64.026.

22 (i) Any other decision by the department or an air authority
23 which pursuant to law must be decided as an adjudicative proceeding
24 under chapter 34.05 RCW.

25 (j) Decisions of the department of natural resources, the
26 department of fish and wildlife, and the department that are
27 reviewable under chapter 76.09 RCW, and the department of natural
28 resources' appeals of county, city, or town objections under RCW
29 76.09.050(7).

30 (k) Forest health hazard orders issued by the commissioner of
31 public lands under RCW 76.06.180.

32 (l) Decisions of the department of fish and wildlife to issue,
33 deny, condition, or modify a hydraulic project approval permit under
34 chapter 77.55 RCW, to issue a stop work order, to issue a notice to
35 comply, to issue a civil penalty, or to issue a notice of intent to
36 disapprove applications.

37 (m) Decisions of the department of natural resources that are
38 reviewable under RCW 78.44.270.

39 (n) Decisions of an authorized public entity under RCW 79.100.010
40 to take temporary possession or custody of a vessel or to contest the

1 amount of reimbursement owed that are reviewable by the hearings
2 board under RCW 79.100.120.

3 (2) The following hearings shall not be conducted by the hearings
4 board:

5 (a) Hearings required by law to be conducted by the shorelines
6 hearings board pursuant to chapter 90.58 RCW.

7 (b) Hearings conducted by the department pursuant to RCW
8 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and
9 90.44.180.

10 (c) Appeals of decisions by the department under RCW 90.03.110
11 and 90.44.220.

12 (d) Hearings conducted by the department to adopt, modify, or
13 repeal rules.

14 (3) Review of rules and regulations adopted by the hearings board
15 shall be subject to review in accordance with the provisions of the
16 administrative procedure act, chapter 34.05 RCW.

17 **Sec. 11.** RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10,
18 and 2019 c 290 s 12 are each reenacted and amended to read as
19 follows:

20 (1) The hearings board shall only have jurisdiction to hear and
21 decide appeals from the following decisions of the department, the
22 director, local conservation districts, the air pollution control
23 boards or authorities as established pursuant to chapter 70.94 RCW,
24 local health departments, the department of natural resources, the
25 department of fish and wildlife, the parks and recreation commission,
26 and authorized public entities described in chapter 79.100 RCW:

27 (a) Civil penalties imposed pursuant to RCW 18.104.155,
28 70.94.431, 70.105.080, 70.107.050, section 5 of this act, 70.365.070,
29 70.375.060, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600,
30 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

31 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,
32 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 86.16.020,
33 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

34 (c) Except as provided in RCW 90.03.210(2), the issuance,
35 modification, or termination of any permit, certificate, or license
36 by the department or any air authority in the exercise of its
37 jurisdiction, including the issuance or termination of a waste
38 disposal permit, the denial of an application for a waste disposal
39 permit, the modification of the conditions or the terms of a waste

1 disposal permit, or a decision to approve or deny an application for
2 a solid waste permit exemption under RCW 70.95.300.

3 (d) Decisions of local health departments regarding the grant or
4 denial of solid waste permits pursuant to chapter 70.95 RCW.

5 (e) Decisions of local health departments regarding the issuance
6 and enforcement of permits to use or dispose of biosolids under RCW
7 70.95J.080.

8 (f) Decisions of the department regarding waste-derived
9 fertilizer or micronutrient fertilizer under RCW 15.54.820, and
10 decisions of the department regarding waste-derived soil amendments
11 under RCW 70.95.205.

12 (g) Decisions of local conservation districts related to the
13 denial of approval or denial of certification of a dairy nutrient
14 management plan; conditions contained in a plan; application of any
15 dairy nutrient management practices, standards, methods, and
16 technologies to a particular dairy farm; and failure to adhere to the
17 plan review and approval timelines in RCW 90.64.026.

18 (h) Any other decision by the department or an air authority
19 which pursuant to law must be decided as an adjudicative proceeding
20 under chapter 34.05 RCW.

21 (i) Decisions of the department of natural resources, the
22 department of fish and wildlife, and the department that are
23 reviewable under chapter 76.09 RCW, and the department of natural
24 resources' appeals of county, city, or town objections under RCW
25 76.09.050(7).

26 (j) Forest health hazard orders issued by the commissioner of
27 public lands under RCW 76.06.180.

28 (k) Decisions of the department of fish and wildlife to issue,
29 deny, condition, or modify a hydraulic project approval permit under
30 chapter 77.55 RCW, to issue a stop work order, to issue a notice to
31 comply, to issue a civil penalty, or to issue a notice of intent to
32 disapprove applications.

33 (l) Decisions of the department of natural resources that are
34 reviewable under RCW 78.44.270.

35 (m) Decisions of an authorized public entity under RCW 79.100.010
36 to take temporary possession or custody of a vessel or to contest the
37 amount of reimbursement owed that are reviewable by the hearings
38 board under RCW 79.100.120.

39 (2) The following hearings shall not be conducted by the hearings
40 board:

1 (a) Hearings required by law to be conducted by the shorelines
2 hearings board pursuant to chapter 90.58 RCW.

3 (b) Hearings conducted by the department pursuant to RCW
4 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and
5 90.44.180.

6 (c) Appeals of decisions by the department under RCW 90.03.110
7 and 90.44.220.

8 (d) Hearings conducted by the department to adopt, modify, or
9 repeal rules.

10 (3) Review of rules and regulations adopted by the hearings board
11 shall be subject to review in accordance with the provisions of the
12 administrative procedure act, chapter 34.05 RCW.

13 NEW SECTION. **Sec. 12.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 13.** Sections 1 through 7 of this act
18 constitute a new chapter in Title 70 RCW.

19 NEW SECTION. **Sec. 14.** Section 10 of this act expires June 30,
20 2021.

21 NEW SECTION. **Sec. 15.** Section 11 of this act takes effect June
22 30, 2021."

23 Correct the title.

EFFECT: Makes the following changes to the Engrossed Substitute
Senate Bill:

Increases the amount of the pass-through charge for reusable film
plastic bags from eight cents to 12 cents, beginning January 1, 2026;

Increases the minimum thickness of reusable film plastic bags
from 2.25 mils to 4 mils, beginning January 1, 2026;

Provides a business and occupation tax deduction for the pass-
through charges for reusable carryout bags and recycled content paper
carryout bags provided by retail establishments;

Exempts the business and occupation tax deduction for pass-
through charges from tax preference performance statement
requirements and expiration dates;

Requires bags used at retail establishments to comply with
labeling requirements for compostable and noncompostable bags and
products established in state law in 2019, rather than creating a
second set of standards for the labeling of compostable bags;

Exempts mailing pouches and sealed envelopes from requirements on carryout bags provided to customers by retail establishments;

Modifies the recycled content requirements for reusable film plastic bags to require a minimum of 20% recycled content until July 1, 2022, and a minimum of 40% thereafter;

Requires reusable film plastic bags to display the mil thickness in print on the exterior of the bag, in addition to the postconsumer recycled content;

Provides that enforcement of bag restrictions must be based on complaints filed with the Department of Ecology (Department) or with local governments, and provides for the Department to establish a forum where local governments may file complaints for enforcement purposes by the Department or where local governments may review complaints filed with the Department for purposes of conducting education and outreach;

Authorizes educational elements regarding carryout bag restrictions and the benefits of reusable bags to be created by local governments, and requires Department or local government training of employees as part of the educational element to occur no later than October 1, 2020;

Amends the preemption provisions to provide that (1) carryout bag ordinances not enacted as of April 1, 2020, are preempted; (2) carryout bag ordinances enacted as of April 1, 2020, are preempted effective January 1, 2021; and (3) local governments that have established a pass-through charge of ten cents are not preempted with respect to the amount of the pass-through charge until January 1, 2026;

Requires the Department of Commerce to submit a report to the Legislature by December 1, 2024, addressing the effectiveness of the pass-through charge, the pricing and availability of bags, and the cost of authorized bags to retail establishments relative to the pass-through charge, and making recommendations for revisions to carryout bag restrictions;

Declares an intention for the 2025 Legislature to consider changes to the amount of the pass-through charge, mil thickness requirements for reusable film plastic bags, and other carryout bag provisions, taking into consideration the Department of Commerce's 2024 report; and

Requires the Department of Ecology to prioritize, until June 1, 2025, the expedited processing of permit applications related to the expansion or reconfiguring of pulp and paper mills to manufacture paper bags or raw materials to manufacture paper bags. Adds language to the intent section regarding the increased demand for paper bags caused by restrictions on single-use plastic bags.

--- END ---