

ESSB 5323 - H AMD TO H AMD (H-5413.1/20) **2173**

By Representative Orcutt

NOT ADOPTED 03/07/2020

1 On page 3, line 27 of the striking amendment, after "(2)" strike
2 "(a)"

3
4 On page 3, line 29 of the striking amendment, after "make" strike
5 "reusable"

6
7 Beginning on page 3, line 31 of the striking amendment, strike all
8 of subsections (b) and (c)

9
10 On page 6, beginning on line 1 of the striking amendment, strike
11 all of section 4

12
13 Renumber the remaining sections consecutively, and correct any
14 internal references accordingly.

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16 On page 7, beginning on line 11 of the striking amendment, after
17 "(1)" strike "Except as provided in subsection (2) of this section, a"
18 and insert "A"

19
20 On page 7, beginning on line 13 of the striking amendment, after
21 "ordinance." strike everything through "2021." on line 22 and insert
22 "Any carryout bag ordinance that was enacted as of April 1, 2020 is
23 preempted by this chapter, effective January 1, 2021."

24
25 Beginning on page 7, line 30 of the striking amendment, after
26 "include" strike everything through "Recommendations" on page 8, line
27 6 and insert "recommendations"

1
2 On page 8, beginning on line 12 of the striking amendment,
3 after "the" strike "pass-through charge collected" and insert "sale
4 of a carryout bag"

EFFECT: Removes the mandatory pass-through charge on carryout bags provided by a retailer to a customer. Authorizes the sale of carryout bags by retail establishments. Removes the requirement that the Department of Ecology report to the Legislature on aspects of the pass-through charge, and removes provisions regarding the inapplicability of pass-through charges to certain persons. Preempts local carryout bag ordinances that establish a pass-through charge of any amount. Amends the business and occupation tax deduction to apply to amounts from sales of carryout bags, rather than amounts of pass-through charges collected.

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