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**SENATE BILL 5222**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators J. Wilson and Fortunato

AN ACT Relating to the "pick it up, Washington" litter control program; amending RCW 70A.200.130 and 70A.200.030; adding a new section to chapter 70A.200 RCW; creating a new section; and decodifying RCW 70A.200.900.

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

NEW SECTION. **Sec.**  A new section is added to chapter 70A.200 RCW to read as follows:

(1) The department shall oversee a network of volunteers who agree to participate in the "pick it up, Washington" program. The program consists of pick it up volunteers who are willing to assist with litter removal in public places that are not private property. The department shall operate the program within existing resources.

(2) The department shall advertise and promote the "pick it up, Washington" program and create and manage a list of pick it up volunteers who agree to participate. The department may reserve the right to exclude any individual from participating as a pick it up volunteer if the department determines that allowing such an individual to participate would create a risk to the health or safety of that individual, other volunteers, or the public.

(3) The department may develop appropriate methods to give public recognition to the positive contributions of pick it up volunteers in their communities.

**Sec.**  RCW 70A.200.130 and 1971 ex.s. c 307 s 11 are each amended to read as follows:

(1) Responsibility for the removal of litter from receptacles placed at parks, beaches, campgrounds, trailer parks, and other public places shall remain upon those state and local agencies performing litter removal. Removal of litter from litter receptacles placed on private property which is used by the public shall remain the responsibility of the owner of such private property.

(2) With respect to public places that are not private property, the department shall seek pick it up volunteers through the program created in section 1 of this act to remove litter that is not deposited in receptacles from these public places. The department is not responsible for arranging for litter removal under this subsection if another state agency or a local agency is successfully performing litter removal on a regular basis.

**Sec.**  RCW 70A.200.030 and 2007 c 244 s 1 are each amended to read as follows:

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

(1) ((~~"Conveyance" means a boat, airplane, or vehicle.~~

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

((~~(3)~~)) (2) "Director" means the director of the department of ecology.

((~~(4)~~)) (3) "Disposable package or container" means all packages or containers defined as such by rules adopted by the department ((~~of ecology~~)).

((~~(5)~~)) (4) "Junk vehicle" has the same meaning as defined in RCW 46.55.010.

((~~(6)~~)) (5) "Litter" means all waste material including but not limited to disposable packages or containers thrown or deposited as herein prohibited and solid waste that is illegally dumped, but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing. "Litter" includes the material described in subsection ((~~(11)~~)) (10) of this section as "potentially dangerous litter."

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

~~(8)~~)) (6) "Litter receptacle" means those containers adopted by the department ((~~of ecology~~)) and which may be standardized as to size, shape, capacity, and color and which shall bear the state anti-litter symbol, as well as any other receptacles suitable for the depositing of litter.

((~~(9)~~)) (7) "Official gathering" means an event where authorization to hold the event is approved, recognized, or issued by a government, public body, or authority, including but not limited to fairs, musical concerts, athletic games, festivals, tournaments, or any other formal or ceremonial event, during which beverages are sold by a vendor or vendors in single-use aluminum, glass, or plastic bottles or cans.

((~~(10)~~)) (8) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or other entity whatsoever.

((~~(11)~~)) (9) "Pick it up volunteer" means an individual who agrees to participate in the program established in section 1 of this act. A pick it up volunteer is not compensated and is not a state actor or agent or employee of the state.

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

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

(b) Glass;

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

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

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

(f) Nails or tacks.

((~~(12)~~)) (11) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.

((~~(13)~~)) (12) "Recycling" means transforming or remanufacturing waste materials into a finished product for use other than landfill disposal or incineration.

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

~~(15)~~)) (13) "Sports facility" means an outdoor recreational sports facility, including but not limited to athletic fields and ballparks, at which beverages are sold by a vendor or vendors in single-use aluminum, glass, or plastic bottles or cans.

((~~(16)~~)) (14) "To litter" means a single or cumulative act of disposing of litter.

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

((~~(18)~~)) (16) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

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

NEW SECTION. **Sec.**  RCW 70A.200.900 (Alternative to Initiative 40—Placement on ballot—Force and effect of chapter) is decodified.

NEW SECTION. **Sec.**  This act does not create any civil liability on the part of the state or any state agency, officer, employee, or agent.

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