

# FINAL BILL REPORT

## ESHB 1293

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Synopsis as Enacted

**Brief Description:** Concerning litter.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Klicker, Dye, Connors, Barkis, Eslick, Caldier and Kloba).

**House Committee on Environment & Energy**  
**House Committee on Appropriations**  
**Senate Committee on Environment, Energy & Technology**  
**Senate Committee on Ways & Means**

### **Background:**

#### Litter Penalties.

The Waste Reduction, Recycling, and Litter Control Act (Act) prohibits littering and establishes statewide programs to prevent and clean up litter, reduce waste, and increase recycling. These programs are funded by the 0.015 percent litter tax on manufacturers', wholesalers', and retailers' gross proceeds on 13 categories of consumer products. The programs funded by the litter tax via the Waste Reduction, Recycling, and Litter Control Account created under the Act include litter collection efforts by state agencies, the Department of Ecology (Ecology), and state assistance of local government waste reduction, composting, and recycling programs.

Additionally, the Act directs Ecology to control and remove litter. Littering rules are enforced by law enforcement, fire wardens, and certain state employees.

Littering less than or equal to one cubic foot is a class three civil infraction with a base penalty of \$50, plus additional statutory assessments. Furthermore, throwing or dropping material onto state highways is a separate traffic infraction with a base penalty of \$93.

State civil infractions are divided into four levels. Class one is the most serious and carries the highest fine, while class four is the least serious and carries the lowest fine.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

### Plastic Bag Regulations.

Retail establishments are prohibited from providing a customer, or to a person at an event, a single-use plastic carryout bag, or a paper or reusable plastic carryout bag that does not meet recycled content requirements. Food banks and food assistance programs are not considered retail establishments but are encouraged to take action to reduce single-use plastic carryout bags.

Carryout bags do not include bags used inside stores by customers to:

- package bulk items;
- contain or wrap items where dampness or sanitation may be a problem;
- contain unwrapped prepared foods or bakery items;
- contain prescription drugs; or
- protect an item from damaging other items when placed inside a carryout bag.

Until December 31, 2025, retail establishments must collect an 8 cent pass-through charge when providing a reusable plastic film bag or carryout paper bag that is at least 882 cubic inches. Beginning January 1, 2026, the pass-through charge for reusable carryout plastic film bags is 12 cents. A retail establishment is prohibited from reimbursing a customer any portion of the pass-through charge.

Retail establishments may not collect a pass-through charge from a person using a voucher or electronic benefits card issued under Women, Infants and Children (WIC), the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), or the State Food Assistance Program (FAP). The pass-through charge is a taxable retail sale and must be shown as such on a receipt provided to customers. Retail establishments may deduct from business and occupation taxes the amounts collected from pass-through charges.

Reusable carryout bags made from film plastic must be at least 2.25 mils thick until December 31, 2025, and thereafter must be 4 mils thick.

Enforcement of carryout bag requirements must be based primarily on complaints filed with Ecology and local governments.

A violation of the carryout bag requirements is subject to a \$250 penalty. The penalty is appealable to the Pollution Control Hearings Board.

The Department of Commerce, in consultation with Ecology, was required to submit a report to the Legislature by December 31, 2024, addressing the effectiveness of the pass-through charge, the availability and pricing of various types of carryout bags, and the sufficiency of the passthrough charge relative to the cost of authorized bags to retail establishments and making recommendations for revisions to carryout bag requirements.

An intention was declared for the 2025 Legislature, taking into consideration the 2024 Department of Commerce report, to reconsider changes to the amount of the pass-through charge, mil thickness requirements for reusable bags made of film plastic, and other carryout bag provisions.

**Summary:**

Litter Penalties.

Littering in an amount less than or equal to one cubic foot is raised to a class two civil infraction, with a base penalty of \$125. This penalty is in addition to the base penalty of \$93 issued for throwing or dropping material onto state highways.

Plastic Bag Regulations.

The 4 mil increase in the minimum allowable thickness of reusable plastic carryout bags provided by retail establishments is delayed from January 1, 2026, to January 1, 2028. Until December 31, 2027, retail establishments that offer for sale reusable plastic bags with a thickness of at least 4 mils must collect a 4 cent penalty in addition to the 12 cent pass-through charge. This 4 cent penalty must be deposited in the Waste Reduction, Recycling, and Litter Control Account, and, like the 12 cent pass-through charge, must be shown on receipts provided to customers.

The provision declaring the 2020 Legislature's intent for the 2025 Legislature to reassess the amount of the pass-through charge is eliminated, and the provision addressing the possibility of the 2025 Legislature reassessing the minimum thickness of reusable plastic carryout bags based on the 2024 Department of Commerce report is rewritten to apply to the 2026 Legislature.

**Votes on Final Passage:**

House	90	7	
Senate	46	2	(Senate amended)
House			(House refused to concur/asked Senate to recede)
Senate	27	20	(Senate receded)
House	98	0	(House concurred)

**Effective:** July 27, 2025