
SENATE BILL 5965

State of Washington

69th Legislature

2026 Regular Session

By Senators Bateman, Salomon, and Shewmake

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1 AN ACT Relating to reducing environmental impacts associated with
2 bags provided to customers at retail establishments; amending RCW
3 70A.530.005, 70A.530.020, 70A.530.030, 70A.530.040, and 70A.530.050;
4 reenacting and amending RCW 70A.530.010; and providing an effective
5 date.

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

7 **Sec. 1.** RCW 70A.530.005 and 2021 c 33 s 3 are each amended to
8 read as follows:

9 (1) State policy has long placed waste reduction as the highest
10 priority in the collection, handling, and management of solid waste.
11 Reducing plastic bag waste holds particular importance among state
12 waste reduction efforts for a number of reasons:

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

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

1 (c) Even when plastic bags avoid the common fate of becoming
2 litter, they are a drain on public resources and a burden on
3 environment and resource conservation goals. For example, if plastic
4 bags are disposed of in commingled recycling systems rather than as
5 garbage or in retailer drop-off programs, they clog processing and
6 sorting machinery, resulting in missorted materials and costly
7 inefficiencies that are ultimately borne by utility ratepayers.
8 Likewise, when green or brown-tinted plastic bags confuse consumers
9 into attempting to dispose of them as compost, the resultant plastic
10 contamination undercuts the ability to use the compost in gardens,
11 farms, landscaping, and surface water and transportation projects.

12 (2) Alternatives to single-use plastic carryout bags are
13 convenient, functional, widely available, and measure as superior
14 across most environmental performance metrics. Alternatives to
15 single-use plastic carryout bags feature especially superior
16 environmental performance with respect to litter and marine debris,
17 since plastic bags do not biodegrade.

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

24 (4) Data provided from grocery retailers has shown that requests
25 for paper bags have skyrocketed where plastic bag bans have been
26 implemented. To accommodate the anticipated consequences of a
27 statewide plastic bag ban, it is rational to expect additional
28 capacity will be needed in Washington state for manufacturing paper
29 bags. The legislature intends to provide that capacity by
30 prioritizing and expediting siting and permitting of expansions or
31 reconfiguring for paper manufacturing.

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

35 (a) Prohibit the use of (~~single-use plastic~~) carryout bags made
36 of film plastic;

37 (b) Require a pass-through charge on compliant paper carryout
38 bags (~~and reusable carryout bags made of film plastic,~~) to
39 encourage shoppers to bring their own reusable carryout bags, except

1 when the recipient is a person using a state-administered assistance
2 support program voucher or electronic benefits transfer card;

3 (c) Require that bags provided by a retail establishment contain
4 recycled content or derive from nonwood renewable fiber; and

5 (d) Encourage the provision of reusable and compliant paper
6 carryout bags by retail establishments.

7 **Sec. 2.** RCW 70A.530.010 and 2021 c 33 s 1 are each reenacted and
8 amended to read as follows:

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

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

15 (2) "Compliant paper carryout bag" means a paper carryout bag
16 provided by a retail establishment to a customer that meets the
17 requirements in RCW 70A.530.020(~~((+6))~~) (5)(a).

18 (3) "Department" means the department of ecology.

19 (4) "Film plastic" means a flexible sheet or sheets of petroleum
20 or nonpetroleum-based plastic resin or other material, not including
21 a paper carryout bag, that is less than 10 mils in thickness and
22 capable of being easily contoured around an object by hand pressure.

23 (5)(a) "Introduce" means to sell, offer for sale, distribute, or
24 ship a product within or into this state.

25 (b) "Introduce" does not include a carryout bag that is sold,
26 offered for sale, distributed, or shipped to a food bank and other
27 food assistance program.

28 (6) "Nonwood renewable fiber" means plant-based fiber derived
29 from wheat straw grown in North America.

30 ~~((+5))~~ (7) "Pass-through charge" means a charge to be collected
31 and retained by retail establishments from their customers, except as
32 provided in RCW 70A.530.030(2), when providing compliant paper
33 carryout bags and reusable carryout bags made of film plastic.

34 ~~((+6))~~ (8) "Retail establishment" means any person, corporation,
35 partnership, business, facility, vendor, organization, or individual
36 that sells or provides food, merchandise, goods, or materials
37 directly to a customer including home delivery, temporary stores, or
38 vendors at farmers markets, street fairs, and festivals.

1 ~~((7))~~ (9) "Reusable carryout bag" means a carryout bag made of
2 cloth or other durable material with handles that is specifically
3 designed and manufactured for long-term multiple reuse and meets the
4 requirements of RCW 70A.530.020 ~~((6))~~ (5)(b).

5 ~~((8))~~ (10)(a) "Single-use plastic carryout bag" means any
6 carryout bag that is made from plastic that is designed and suitable
7 only to be used once and disposed.

8 (b) "Single-use plastic carryout bag" does not include any
9 compostable bag or compostable film bag that meets the requirements
10 of chapter 70A.455 RCW.

11 (11) "Third-party platform" means any service or system for
12 taking or relaying orders from customers for items sold by a retail
13 establishment including, but not limited to, online platforms, mobile
14 applications, phone ordering, and on-site kiosks, and any individual
15 or corporate entity that owns or controls such service or system.

16 **Sec. 3.** RCW 70A.530.020 and 2025 c 312 s 3 are each amended to
17 read as follows:

18 (1) Beginning January 1, 2021, except as provided in this section
19 and RCW 70A.530.030, a manufacturer or distributor may not introduce
20 to a retail establishment in Washington, and a retail establishment
21 may not provide to a customer or a person at an event:

22 (a) A single-use plastic carryout bag or a reusable carryout bag
23 made of film plastic; or

24 (b) A paper carryout bag that does not meet the requirements of
25 subsection ~~((6))~~ (5)(a) of this section ~~((or a reusable carryout~~
26 ~~bag made of film plastic that does not meet recycled content~~
27 ~~requirements; or~~

28 ~~(c) Beginning January 1, 2028, a reusable carryout bag made of~~
29 ~~film plastic with a thickness of less than four mils, in the event~~
30 ~~that the 2026 legislature does not amend this section to reflect the~~
31 ~~recommendations to the legislature made consistent with RCW~~
32 ~~70A.530.060)).~~

33 (2)(a) A retail establishment may provide a reusable carryout bag
34 or a compliant paper carryout bag of any size to a customer at the
35 point of sale. A retail establishment may make reusable carryout bags
36 available to customers through sale.

37 (b) ~~((i) Until December 31, 2025, a)~~ A retail establishment must
38 collect a pass-through charge of ~~((eight))~~ 20 cents for every
39 compliant paper carryout bag with a manufacturer's stated capacity of

1 one-eighth barrel (~~((eight hundred eighty-two))~~ 882 cubic inches) or
2 greater (~~((or reusable carryout bag made of film plastic))~~ it
3 provides(~~(, except as provided in subsection (5) of this section and~~
4 ~~RCW 70A.530.030.~~

5 ~~(ii) Beginning January 1, 2026, a retail establishment must~~
6 ~~collect a pass-through charge of twelve cents for reusable carryout~~
7 ~~bags made of film plastic and eight cents for compliant paper~~
8 ~~carryout bags.~~

9 ~~(iii) Until December 31, 2027, a retail establishment that offers~~
10 ~~for sale a reusable carryout bag made of film plastic with a~~
11 ~~thickness equal to or greater than four mils shall collect, in~~
12 ~~addition to the 12 cent pass-through charge, a four cent penalty. The~~
13 ~~penalty shall be deposited in the waste reduction, recycling, and~~
14 ~~litter control account under RCW 70A.200.140)).~~

15 (c) A retail establishment must keep all revenue from pass-
16 through charges(~~(, not including the penalty provided under (b)(iii)~~
17 ~~of this subsection)).~~ The pass-through charge is a taxable retail
18 sale. A retail establishment must show all pass-through charges (~~and~~
19 ~~penalties)~~) on a receipt provided to the customer.

20 (d) A retail establishment that uses a third-party platform must
21 list on that third-party platform the applicable pass-through charges
22 associated with each customer order, and must collect the pass-
23 through charge from the customer through the third-party platform for
24 carryout bags provided to the customer that are subject to the pass-
25 through charge.

26 (3) Carryout bags (~~(provided by a retail establishment))~~) do not
27 include:

28 (a) (~~(Bags))~~ Handleless bags used by consumers inside stores or
29 by retail establishments within a carryout bag to be delivered to a
30 consumer or picked up by a consumer to:

31 (i) Package bulk items, such as fruit, vegetables, nuts, grains,
32 candy, greeting cards, or small hardware items such as nails, bolts,
33 or screws;

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

- 36 (A) Frozen foods;
- 37 (B) Meat;
- 38 (C) Fish;
- 39 (D) Flowers; and
- 40 (E) Potted plants;

1 (iii) Contain unwrapped prepared foods or bakery goods;
2 (iv) Contain prescription drugs; or
3 (v) Protect a purchased item from damaging or contaminating other
4 purchased items when placed in a compliant paper carryout bag or
5 reusable carryout bag; or
6 (b) Newspaper bags, mailing pouches, sealed envelopes, door
7 hanger bags, laundry/dry cleaning bags, or bags sold in packages
8 containing multiple bags for uses such as food storage, garbage, or
9 pet waste.

10 (4) (a) Any compostable film bag that a retail establishment
11 provides to customers for products, including for products bagged in
12 stores prior to checkout, must meet the requirements for compostable
13 products and film bags in chapter 70A.455 RCW.

14 (b) A retail establishment may not use or provide polyethylene or
15 other noncompostable plastic bags for bagging of customer products in
16 stores (~~(, as carryout bags, or for home delivery)~~) that do not meet
17 the requirements for noncompostable products and film bags in chapter
18 70A.455 RCW.

19 ~~(5) ((Except as provided by local regulations enacted as of April~~
20 ~~1, 2020, a retail establishment may provide a bag restricted under~~
21 ~~subsection (1) of this section from existing inventory until one year~~
22 ~~after June 11, 2020. The retail establishment, upon request by the~~
23 ~~department, must provide purchase invoices, distribution receipts, or~~
24 ~~other information documenting that the bag was acquired prior to June~~
25 ~~11, 2020.~~

26 ~~(6))~~) For the purposes of this section:
27 (a) A compliant paper carryout bag must:
28 (i) Contain a minimum of (~~forty~~) 40 percent postconsumer
29 recycled materials, a minimum of 40 percent nonwood renewable fiber,
30 or a combination of postconsumer recycled materials and nonwood
31 renewable fiber that totals at least 40 percent;
32 (ii) Be capable of composting, consistent with the timeline and
33 specifications of the entire American society of testing materials
34 D6868 or D8410 and associated test methods that must be met, as it
35 existed as of January 1, 2020; and
36 (iii) Display in print on the exterior of the paper bag the
37 minimum percentage of postconsumer content, wheat straw fiber
38 content, or both.

39 (b) A reusable carryout bag must:

1 (i) Have a minimum lifetime of (~~one hundred twenty-five~~) 125
2 uses, which for purposes of this subsection means the capacity to
3 carry a minimum of (~~twenty-two~~) 22 pounds (~~one hundred twenty-~~
4 ~~five~~) 125 times over a distance of at least (~~one hundred seventy-~~
5 ~~five~~) 175 feet; and

6 (ii) Be machine washable or made from a durable material that may
7 be cleaned or disinfected(~~;~~~~and~~

8 ~~(iii) If made of film plastic:~~

9 ~~(A) Be made from a minimum of twenty percent postconsumer~~
10 ~~recycled content until July 1, 2022, and thereafter must be made from~~
11 ~~a minimum of forty percent postconsumer recycled content;~~

12 ~~(B) Display in print on the exterior of the plastic bag the~~
13 ~~minimum percentage of postconsumer recycled content, the mil~~
14 ~~thickness, and that the bag is reusable; and~~

15 ~~(C) Have a minimum thickness of no less than 2.25 mils until~~
16 ~~December 31, 2027, and beginning January 1, 2028, must have a minimum~~
17 ~~thickness of four mils)).~~

18 (c) Except for the purposes of subsection (4) of this section,
19 food banks and other food assistance programs are not retail
20 establishments, but are encouraged to take actions to reduce the use
21 of (~~single-use plastic~~) carryout bags made of film plastic.

22 **Sec. 4.** RCW 70A.530.030 and 2020 c 138 s 4 are each amended to
23 read as follows:

24 (~~It~~) (1) Except as provided in subsection (2) of this section,
25 it is a violation of RCW 70A.530.020 for any retail establishment to
26 pay, fail to collect, or otherwise reimburse a customer for any
27 portion of the pass-through charge(;~~provided that)).~~

28 (2) A retail establishment(~~s may not collect~~~~)~~ is prohibited
29 from collecting a pass-through charge and any remaining difference
30 between the pass-through charge and the establishment's customary
31 price for a paper carryout bag from anyone using, for part or all of
32 a transaction, a voucher or electronic benefits card issued (~~under~~~~)~~
33 through the women, infants, and children (WIC) (~~or temporary~~
34 ~~assistance for needy families (TANF) support programs, or the federal~~
35 ~~supplemental nutrition assistance program (SNAP, also known as basic~~
36 ~~food), or the Washington state food assistance program (FAP))~~
37 program or state administered cash and food assistance support
38 programs authorized under Title 74 RCW.

1 **Sec. 5.** RCW 70A.530.040 and 2020 c 138 s 5 are each amended to
2 read as follows:

3 ~~(1) ((Until June 1, 2025, the department shall prioritize the~~
4 ~~expedited processing of applications for permits related to the~~
5 ~~expansion or reconfiguration of an existing pulp and paper mill for~~
6 ~~the purpose of manufacturing paper bags or raw materials used to~~
7 ~~manufacture paper bags.~~

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

10 ~~((3))~~ (2) The enforcement of this chapter must be based
11 primarily on complaints filed with the department and local
12 governments. The department must establish a forum for the filing of
13 complaints. Local governments and any person may file complaints with
14 the department using the forum and local governments may review
15 complaints filed with the department via the forum for purposes of
16 the local government carrying out education and outreach to retail
17 establishments. The forum established by the department may include a
18 complaint form on the department's website, a telephone hotline, or a
19 public outreach strategy relying upon electronic social media to
20 receive complaints that allege violations. The department, in
21 collaboration with the local governments, must provide education and
22 outreach activities to inform retail establishments, consumers, and
23 other interested individuals about the requirements of this chapter.

24 ~~((4))~~ (3) The department or local government shall work with
25 retail establishments, retail associations, unions, and other
26 organizations to create educational elements regarding the ban and
27 the benefits of reusable carryout bags. Educational elements may
28 include signage at store locations, informational literature, and
29 employee training ~~((by October 1, 2020))~~.

30 ~~((5))~~ (4) Retail establishments are encouraged to educate their
31 staff to promote reusable bags as the best option for carryout bags
32 and to post signs encouraging customers to use reusable carryout
33 bags.

34 ~~((6))~~ (5)(a) A violation of this chapter by a retail
35 establishment is subject to a civil penalty of up to ~~((two hundred~~
36 ~~fifty dollars))~~ \$250.

37 (b) A violation of this chapter by a manufacturer or distributor
38 of a carryout bag that does not meet the requirements of this chapter
39 is subject to a civil penalty of up to \$2,000 for the first violation
40 of this chapter, up to \$5,000 for the second violation of this

1 chapter, and up to \$10,000 for the third and any subsequent
2 violations of this chapter.

3 (c) Each calendar day of operation or activity in violation of
4 this chapter comprises a new violation.

5 (d) Penalties issued under this section are appealable to the
6 pollution control hearings board established in chapter 43.21B RCW.

7 ~~((7) If specific funding for the purposes of chapter 138, Laws~~
8 ~~of 2020, referencing chapter 138, Laws of 2020 by bill or chapter~~
9 ~~number, is not provided by July 1, 2020, from the waste reduction,~~
10 ~~recycling, and litter control account for purposes of implementing~~
11 ~~the education and outreach activities required under this section,~~
12 ~~then chapter 138, Laws of 2020 is null and void.))~~

13 **Sec. 6.** RCW 70A.530.050 and 2020 c 138 s 6 are each amended to
14 read as follows:

15 ~~((1) Except as provided in subsection (2) of this section, a))~~ A
16 city, town, county, or municipal corporation may not implement a
17 local carryout bag ordinance. ((Except as provided in subsection (2)
18 of this section, any)) Any carryout bag ordinance that was enacted as
19 of April 1, 2020, is preempted by this chapter.

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

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

27 NEW SECTION. **Sec. 7.** This act takes effect January 1, 2028.

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