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HOUSE BILL 1877

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State of Washington                      62nd Legislature                      2011 Regular Session

By Representatives Fitzgibbon and Lias

Read first time 02/08/11. Referred to Committee on Environment.

1            AN ACT Relating to checkout bags; amending RCW 70.93.030; adding  
2 new sections to chapter 70.93 RCW; adding a new section to chapter  
3 82.04 RCW; and prescribing penalties.

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

5            **Sec. 1.** RCW 70.93.030 and 2007 c 244 s 1 are each amended to read  
6 as follows:

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

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

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

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

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

15           (5) "Junk vehicle" has the same meaning as defined in RCW  
16 46.55.010.

17           (6) "Litter" means all waste material including but not limited to  
18 disposable packages or containers thrown or deposited as herein  
19 prohibited and solid waste that is illegally dumped, but not including

1 the wastes of the primary processes of mining, logging, sawmilling,  
2 farming, or manufacturing. "Litter" includes the material described in  
3 subsection (11) of this section as "potentially dangerous litter."

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

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

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

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

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

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

27 (b) Glass;

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

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

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

34 (f) Nails or tacks.

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

37 (13) "Recycling" means transforming or remanufacturing waste

1 materials into a finished product for use other than landfill disposal  
2 or incineration.

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

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

9 (16) "To litter" means a single or cumulative act of disposing of  
10 litter.

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

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

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

20 (20) "Checkout bag" means a bag that is provided by a retail store  
21 to a customer at the point of sale. "Checkout bag" does not include a  
22 bag used solely to contain the following:

23 (a) Fresh meat and fresh meat products, including pork, beef,  
24 seafood, and poultry;

25 (b) Fruit or vegetables;

26 (c) Nuts or other bulk items;

27 (d) Dairy products;

28 (e) Ice; or

29 (f) Cooked foods.

30 (21) "Recycled paper bags" means a checkout bag produced by a  
31 manufacturer whose total production of paper checkout bags in the  
32 preceding calendar year averaged at least forty percent recycled fiber.

33 NEW SECTION. Sec. 2. A new section is added to chapter 70.93 RCW  
34 to read as follows:

35 (1) Except as otherwise provided in this section, retail stores may  
36 only provide the following types of checkout bags:

1 (a) Checkout bags that are made of reusable machine-washable  
2 textile materials;

3 (b) Checkout bags that are made of reusable plastic that is at  
4 least 2.25 mils thick and is specifically designed and manufactured for  
5 multiple reuse; and

6 (c) Checkout bags that satisfy the definition of recycled paper  
7 bags if the customer:

8 (i) Uses a voucher issued by the United States department of  
9 agriculture under the women, infants, and children program;

10 (ii) Uses benefits known as food stamps as provided under RCW  
11 74.04.500; or

12 (iii) Makes payment to the store for the use of the recycled paper  
13 bag in an amount not less than five cents per recycled paper bag.

14 (2) This section does not apply to retail stores when they are  
15 providing a checkout bag to a customer purchasing a product marked with  
16 health information or other confidential information.

17 (3) Retail stores operating in violation of this section are  
18 subject to a class 1 civil infraction under chapter 7.80 RCW. Each  
19 calendar day of operation in violation of this section comprises a new  
20 violation. However, the department must provide retail stores with a  
21 reasonable time and the necessary information to achieve compliance  
22 with this section.

23 (4) The department shall develop guidelines identifying the  
24 specifications of checkout bags allowed under this section. Retail  
25 stores providing checkout bags consistent with the guidelines are  
26 deemed to be in compliance with this section.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.93 RCW  
28 to read as follows:

29 No city, county, or other unit of local government may impose a  
30 tax, fee, assessment, surcharge, or other charge on any product  
31 satisfying the definition of checkout bag.

32 NEW SECTION. **Sec. 4.** A new section is added to chapter 82.04 RCW  
33 to read as follows:

34 This chapter does not apply to amounts received by retail stores  
35 from customers who provide payment for the use of a recycled paper bag

1 under section 2 of this act. As used in this section, the term  
2 "recycled paper bag" has the same meaning as provided in RCW 70.93.030.

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