
HOUSE BILL 2422

State of Washington 60th Legislature 2008 Regular Session

By Representatives Chase, Linville, Lantz, Hunt, Anderson, and Morrell

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1 AN ACT Relating to petroleum-based water bottles; amending RCW
2 70.93.030; adding new sections to chapter 70.93 RCW; creating a new
3 section; prescribing penalties; and providing an effective date.

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))~~ (12) of this section as "potentially dangerous
4 litter."

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

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

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

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

23 (11) "Petroleum-based water bottle" means a bottle made from a
24 petroleum-based plastic not intended by the manufacturer to be a
25 reusable container that is one liter in size or smaller and is marketed
26 to contain nonflavored, uncarbonated drinking water. The term
27 "petroleum-based water bottle" does not include plastic bottles derived
28 from corn or other biological materials.

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

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

34 (b) Glass;

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

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

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

3 (f) Nails or tacks.

4 (~~(12)~~) (13) "Public place" means any area that is used or held
5 out for use by the public whether owned or operated by public or
6 private interests.

7 (~~(13)~~) (14) "Recycling" means transforming or remanufacturing
8 waste materials into a finished product for use other than landfill
9 disposal or incineration.

10 (~~(14)~~) (15) "Recycling center" means a central collection point
11 for recyclable materials.

12 (~~(15)~~) (16) "Sports facility" means an outdoor recreational
13 sports facility, including but not limited to athletic fields and
14 ballparks, at which beverages are sold by a vendor or vendors in
15 single-use aluminum, glass, or plastic bottles or cans.

16 (~~(16)~~) (17) "To litter" means a single or cumulative act of
17 disposing of litter.

18 (~~(17)~~) (18) "Vehicle" includes every device capable of being
19 moved upon a public highway and in, upon, or by which any persons or
20 property is or may be transported or drawn upon a public highway,
21 excepting devices moved by human or animal power or used exclusively
22 upon stationary rails or tracks.

23 (~~(18)~~) (19) "Waste reduction" means reducing the amount or
24 toxicity of waste generated or reusing materials.

25 (~~(19)~~) (20) "Watercraft" means any boat, ship, vessel, barge, or
26 other floating craft.

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

29 (1) The sale of petroleum-based water bottles is prohibited by any
30 retail store, wholesale club, or vending machine provider.

31 (2) Any retail store, wholesale club, or vending machine provider
32 operating in violation of this section is subject to a class 1 civil
33 infraction under chapter 7.80 RCW. Each calendar day of operation in
34 violation of this section comprises a new violation.

35 (3) The department shall develop guidelines identifying the
36 specifications of water bottles allowed under this section. Retail

1 stores, wholesale clubs, or vending machine providers providing water
2 bottles consistent with the guidelines are deemed to be in compliance
3 with this section.

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

6 (1) Except as otherwise provided in this section, state agencies
7 are prohibited from purchasing petroleum-based water bottles.

8 (2)(a) The top administrative official of a state agency may waive
9 the provisions of this section on a case-by-case basis if the top
10 administrative official of the agency publishes a finding in the
11 Washington State Register explaining the details as to why the purchase
12 or use of petroleum-based water bottles was necessary.

13 (b) The Washington State Register publication requirements of this
14 section may be satisfied with one annual publication summarizing all
15 instances where the requirements of this section were waived by the top
16 administrative official in the preceding year.

17 NEW SECTION. **Sec. 4.** Local governments and school districts are
18 encouraged to review their purchasing and use of petroleum-based water
19 bottles and, when possible, limit the purchase of petroleum-based water
20 bottles.

21 NEW SECTION. **Sec. 5.** Section 2 of this act takes effect January
22 1, 2010.

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