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**SUBSTITUTE HOUSE BILL 1189**

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**State of Washington                      61st Legislature                      2010 Regular Session**

**By** House Environmental Health (originally sponsored by Representatives Chase and Campbell)

READ FIRST TIME 02/03/10.

1            AN ACT Relating to retail store carryout bags; adding a new chapter  
2 to Title 70 RCW; and prescribing penalties.

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

4            NEW SECTION.    **Sec. 1.**    The definitions in this section apply  
5 throughout this chapter unless the context clearly requires otherwise.

6            (1) "Carryout bag" means a bag that is provided by a retail store  
7 to a customer at the point of sale. "Carryout bag" does not include a  
8 bag used solely to contain the following:

9            (a) Fresh meat and fresh meat products, including but not limited  
10 to pork, beef, seafood, and poultry;

11            (b) Fruit or vegetables;

12            (c) Nuts or other bulk items;

13            (d) Dairy products;

14            (e) Ice; or

15            (f) Cooked foods.

16            (2) "Compostable plastic carryout bag" means any carryout bag that  
17 meets the applicable standards of compostable plastic as adopted by the  
18 American society of testing and materials (ASTM) international on the

1 effective date of this section and is green in color to distinguish the  
2 bag from a plastic bag that is not compostable.

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

4 (4) "Person" means any public or private corporation,  
5 copartnership, sole proprietorship, association, firm, or individual.

6 (5) "Recyclable paper carryout bag" means any paper bag that is  
7 able to be recycled.

8 (6) "Recycle" means the act of transforming or remanufacturing  
9 waste materials into a finished product for use other than landfill  
10 disposal or incineration.

11 (7) "Retail store" means a place of business for the sale of goods  
12 or commodities directly to consumers.

13 (8) "Reusable carryout bag" means any carryout bag that is made of  
14 durable plastic that is at least 2.25 mils thick and is specifically  
15 designed and manufactured for multiple reuse, or is made of reusable  
16 machine-washable textile materials.

17 NEW SECTION. **Sec. 2.** (1) Beginning January 1, 2013, a person who  
18 owns or operates a retail store may not provide a carryout bag for free  
19 or for charge to a consumer unless the carryout bag is either a  
20 compostable plastic carryout bag, a recyclable paper carryout bag, or  
21 a reusable carryout bag.

22 (2) Retail stores operating in violation of this section are  
23 subject to a class 4 civil infraction under chapter 7.80 RCW. Each  
24 calendar day of operation in violation of this section comprises a new  
25 violation.

26 (3) The department shall develop guidelines identifying the  
27 specifications of carryout bags allowed under this section. Persons  
28 who own or operate a retail store and are providing carryout bags  
29 consistent with the guidelines are deemed to be in compliance with this  
30 section.

31 (4) This section does not apply to carryout bags in a retailer's  
32 existing on-site inventory as of January 1, 2013.

33 (5) The department may adopt rules as necessary for the purpose of  
34 implementing, administering, and enforcing this chapter.

35 NEW SECTION. **Sec. 3.** The state of Washington fully occupies and  
36 preempts the entire field of retail store carryout bag regulation

1 within the boundaries of the state. Cities, towns, and counties or  
2 other municipalities may enact only those laws and ordinances relating  
3 to retail store carryout bags that are consistent with this chapter.  
4 Local laws and ordinances that are inconsistent with, more restrictive  
5 than, or exceed the requirements of state law may not be enacted and  
6 are preempted and repealed, regardless of the nature of the code,  
7 charter, or home rule status of such a city, town, county, or  
8 municipality.

9 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act constitute  
10 a new chapter in Title 70 RCW.

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