
Environment Committee

HB 2404

Brief Description: Reducing the use of disposable checkout bags.

Sponsors: Representatives Fitzgibbon, Lias, Pedersen, Pollet, Carlyle, Reykdal, Moscoso and Jinkins.

Brief Summary of Bill

- Requires retail stores to provide checkout bags that are made of reusable cloth or plastic, or that meet the definition of a recycled paper bag for customers using food stamps or who pay at least five cents per recycled bag.
- Prohibits local governments from imposing a tax, fee, assessment, surcharge, or other charge on any product that qualifies as a checkout bag.
- Subjects retail stores operating in violation of the new restrictions on checkout bags to a Class I civil infraction.
- Adds definitions of “checkout bag” and “recycled paper bags.”

Hearing Date: 1/20/12

Staff: Anna Jackson (786-7194).

Background:

Currently, no state has banned the use of plastic bags by retail stores. A number of cities, however, have recently implemented bans or restrictions on the use of plastic bags, including San Francisco and Seattle. Seattle's ordinance takes effect in July 2012, and includes a provision to charge a nickel fee for the use of paper bags to encourage people to bring their own bags when they go shopping. Other cities in Washington that have implemented plastic bag bans include Bellingham, Edmonds, and Mukilteo.

Civil infractions are noncriminal offenses that provide monetary penalties. A person that commits a Class I civil infraction is subject to a fine of up to \$250.

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

Summary of Bill:

Retail stores are required to provide only the following types of checkout bags:

- (1) Ones that are made of reusable machine-washable textile material;
- (2) Ones that are made of reusable plastic that is at least 2.25 mils thick and is specifically designed and manufactured for multiple reuse; and
- (3) Ones that satisfy the definition of recycled paper bags, if the customer uses food stamps or pays at least five cents per recycled paper bag.

These restrictions do not apply when retail stores are providing a checkout bag to a customer purchasing a product marked with health information or other confidential information.

“Checkout bag” is defined as a bag that is provided by a retail store to a customer at the point of sale. It does not include a bag used solely to contain: (1) fresh meat and fresh meat products; (2) fruit or vegetables; (3) nuts or other bulk items; (4) dairy products; (5) ice; or (6) cooked foods.

“Recycled paper bags” means a checkout bag produced by a manufacturer whose total production of paper checkout bags in the previous year averaged at least 40 percent recycled fiber.

Retail stores that violate the restrictions placed on checkout bags are subject to a Class I civil infraction, with each day of violation comprising a new violation. The Department of Ecology must provide retail stores with a reasonable time and the necessary information to achieve compliance.

The Department of Ecology must develop guidelines identifying the specifications of permissible checkout bags.

Cities, counties, and other units of local government may not impose a tax, fee, assessment, surcharge, or other charge on any product that meets the definition of a checkout bag.

Appropriation: None.

Fiscal Note: Requested on January 13, 2012.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.