
SUBSTITUTE HOUSE BILL 1632

State of Washington

66th Legislature

2019 Regular Session

By House Environment & Energy (originally sponsored by Representatives Gregerson, Doglio, Peterson, Mead, Tarleton, Macri, Valdez, Fey, Kloba, Pollet, and Bergquist)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to reducing pollution from single-use plastic
2 food service ware; adding a new section to chapter 70.93 RCW;
3 creating a new section; prescribing penalties; and providing an
4 effective date.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that plastic
7 products have proliferated in modern commerce. While many plastic
8 products feature some positive environmental, economic, and
9 logistical attributes, the costs of many plastic products, especially
10 single-use plastic products, far outweigh their benefits. Plastic
11 utensils, straws, cups, plates, and wrappers all frequently wind up
12 as litter or end up polluting our marine environment. Single-use
13 plastics break down into small, toxic pieces in the marine
14 environment and enter the diets of fish, birds, and other organisms,
15 where they may pose a particular burden for endangered species like
16 salmon and southern resident killer whales. Single-use plastic food
17 service products also contaminate our recycling and compost systems,
18 contaminating other recyclables, such as paper, and reducing the
19 cost-effectiveness of recycling other truly recyclable plastic
20 products and jeopardizing the quality of our compost.

1 (2) Therefore, in light of the need to protect our sensitive
2 marine environments, and with a desire to lead a transition to more
3 environmentally sustainable alternatives, it is the intent of the
4 legislature to phase out the use of single-use plastic food service
5 products, and to take other steps to reduce the waste of single-use
6 plastic food service products prior to enacting legislation to
7 entirely phase out single-use plastic food service products.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.93
9 RCW to read as follows:

10 (1) The definitions in this subsection apply throughout this
11 section unless the context clearly requires otherwise.

12 (a) "Condiment packaging" means plastic packaging used to deliver
13 single-serving condiments to customers. Condiment packaging includes,
14 but is not limited to, single-serving plastic packaging for ketchup,
15 mustard, relish, mayonnaise, hot sauce, coffee creamer, salad
16 dressing, jelly and jam, and soy sauce.

17 (b) "Food service businesses" means businesses selling or
18 providing food for consumption on or off the premises, including
19 full-service restaurants, fast food restaurants, cafes,
20 delicatessens, coffee shops, grocery stores, vending trucks or carts,
21 home delivery services, and business or institutional cafeterias.

22 (c) "Food service product" means a product including, but not
23 limited to, containers, plates, bowls, cups, lids, meat trays, deli
24 rounds, utensils, sachets, straws, condiment packaging, clamshells
25 and other hinged or lidded containers, sandwich wrap, portion cups,
26 and other food service products that are intended for one-time use
27 and used for food or drink offered for sale or use.

28 (d) "Plastic food service product" means a food service product
29 that is composed of:

30 (i) Plastic; or

31 (ii) Fiber or paper with a plastic coating, window, component, or
32 additive.

33 (e) "Retail establishment" means any person, corporation,
34 partnership, business, facility, vendor, organization, or individual
35 that sells or provides merchandise, goods, or materials directly to a
36 customer. "Retail establishment" includes, but is not limited to,
37 food service businesses, grocery stores, department stores, hardware
38 stores, home delivery services, pharmacies, liquor stores,
39 restaurants, catering trucks, convenience stores, or other retail

1 stores or vendors, including temporary stores or vendors at farmers
2 markets, street fairs, and festivals.

3 (f) (i) "Utensil" means a product designed to be used by a
4 consumer to facilitate the consumption of food or beverages,
5 including knives, forks, spoons, cocktail picks, chopsticks, splash
6 sticks, and stirrers.

7 (ii) "Utensil" does not include plates, bowls, cups, and other
8 products used to contain food or beverages.

9 (2) A food service business at which the opportunity is provided
10 for the on-site consumption of food or beverages may provide the
11 following types of plastic food service products only upon the
12 request of the consumer:

13 (a) Utensils;

14 (b) Straws; and

15 (c) Condiment packaging.

16 (3) A food service business at which no opportunity is provided
17 for the on-site consumption of food or beverages may provide types of
18 plastic food service products identified in subsection (2) of this
19 section only after asking if the customer would like to obtain the
20 plastic food service products, and the customer responds
21 affirmatively.

22 (4) Nothing in this section prohibits a food service business
23 from making utensils, straws, and condiments available to customers
24 using cylinders, bins, dispensers, containers, or other means of
25 allowing for single plastic utensils, straws, and condiments to be
26 obtained at the affirmative volition of the customer. Utensils
27 provided by a food service business for use by customers may not be
28 bundled or packaged in plastic in such a way that a customer is
29 unable to take only the type of utensil or utensils desired without
30 also taking a different type or types of utensil.

31 (5) A violation of this section is deemed to be littering in an
32 amount less than or equal to one cubic foot, and is a class 3 civil
33 infraction as provided in RCW 70.93.060(2)(a). For purposes of
34 processing the civil infraction, the retail establishment is the
35 person responsible for the civil infraction.

36 (6) (a) Beginning July 1, 2019, a city, town, county, or municipal
37 corporation may not enact an ordinance to reduce pollution from
38 single-use plastic food service products by requiring a request of
39 plastic food service products by the customer of the food service
40 business or other retail establishment.

1 (b) Any local plastic food service products ordinance that is in
2 effect as of July 1, 2019, is not preempted or repealed.

3 NEW SECTION. **Sec. 3.** Section 2 of this act takes effect January
4 1, 2020.

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