
HOUSE BILL 1145

State of Washington

67th Legislature

2021 Regular Session

By Representative Rude

Read first time 01/12/21. Referred to Committee on Environment & Energy.

1 AN ACT Relating to allowing the use of nonwood renewable fiber in
2 recycled content paper carryout bags; and amending RCW 70A.530.010
3 and 70A.530.020.

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

5 **Sec. 1.** RCW 70A.530.010 and 2020 c 138 s 2 are each amended to
6 read as follows:

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

9 (1) "Carryout bag" means any bag that is provided by a retail
10 establishment at home delivery, the check stand, cash register, point
11 of sale, or other point of departure to a customer for use to
12 transport or carry away purchases.

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

14 (3) "Nonwood renewable fiber" means plant-based fiber other than
15 fiber derived from a tree.

16 (4) "Pass-through charge" means a charge to be collected and
17 retained by retail establishments from their customers when providing
18 recycled content paper carryout bags and reusable carryout bags made
19 of film plastic.

1 (~~(4)~~) (5) "Recycled content paper carryout bag" means a paper
2 carryout bag provided by a retail establishment to a customer that
3 meets the requirements in RCW 70A.530.020(6)(a).

4 (~~(5)~~) (6) "Retail establishment" means any person, corporation,
5 partnership, business, facility, vendor, organization, or individual
6 that sells or provides food, merchandise, goods, or materials
7 directly to a customer including home delivery, temporary stores, or
8 vendors at farmers markets, street fairs, and festivals.

9 (~~(6)~~) (7) "Reusable carryout bag" means a carryout bag made of
10 cloth or other durable material with handles that is specifically
11 designed and manufactured for long-term multiple reuse and meets the
12 requirements of RCW 70A.530.020(6)(b).

13 (~~(7)~~) (8) "Single-use plastic carryout bag" means any carryout
14 bag that is made from plastic that is designed and suitable only to
15 be used once and disposed.

16 **Sec. 2.** RCW 70A.530.020 and 2020 c 138 s 3 are each amended to
17 read as follows:

18 (1) Beginning January 1, 2021, except as provided in this section
19 and RCW 70A.530.030, a retail establishment may not provide to a
20 customer or a person at an event:

21 (a) A single-use plastic carryout bag;

22 (b) A paper carryout bag or reusable carryout bag made of film
23 plastic that does not meet recycled content requirements; or

24 (c) Beginning January 1, 2026, a reusable carryout bag made of
25 film plastic with a thickness of less than four mils, in the event
26 that the 2025 legislature does not amend this section to reflect the
27 recommendations to the legislature made consistent with RCW
28 70A.530.060.

29 (2)(a) A retail establishment may provide a reusable carryout bag
30 or a recycled content paper carryout bag of any size to a customer at
31 the point of sale. A retail establishment may make reusable carryout
32 bags available to customers through sale.

33 (b)(i) Until December 31, 2025, a retail establishment must
34 collect a pass-through charge of eight cents for every recycled
35 content paper carryout bag with a manufacturer's stated capacity of
36 one-eighth barrel (eight hundred eighty-two cubic inches) or greater
37 or reusable carryout bag made of film plastic it provides, except as
38 provided in subsection (5) of this section and RCW 70A.530.030.

1 (ii) Beginning January 1, 2026, a retail establishment must
2 collect a pass-through charge of twelve cents for reusable carryout
3 bags made of film plastic and eight cents for recycled content paper
4 carryout bags, in the event that the 2025 legislature does not amend
5 this section to reflect the recommendations to the legislature made
6 consistent with RCW 70A.530.060. It is the intent of the legislature
7 for the 2025 legislature to reassess the amount of the pass-through
8 charge authorized under this subsection (2)(b), taking into
9 consideration the content of the report to the legislature under RCW
10 70A.530.060.

11 (c) A retail establishment must keep all revenue from pass-
12 through charges. The pass-through charge is a taxable retail sale. A
13 retail establishment must show all pass-through charges on a receipt
14 provided to the customer.

15 (3) Carryout bags provided by a retail establishment do not
16 include:

17 (a) Bags used by consumers inside stores to:

18 (i) Package bulk items, such as fruit, vegetables, nuts, grains,
19 candy, greeting cards, or small hardware items such as nails, bolts,
20 or screws;

21 (ii) Contain or wrap items where dampness or sanitation might be
22 a problem including, but not limited to:

23 (A) Frozen foods;

24 (B) Meat;

25 (C) Fish;

26 (D) Flowers; and

27 (E) Potted plants;

28 (iii) Contain unwrapped prepared foods or bakery goods;

29 (iv) Contain prescription drugs; or

30 (v) Protect a purchased item from damaging or contaminating other
31 purchased items when placed in a recycled content paper carryout bag
32 or reusable carryout bag; or

33 (b) Newspaper bags, mailing pouches, sealed envelopes, door
34 hanger bags, laundry/dry cleaning bags, or bags sold in packages
35 containing multiple bags for uses such as food storage, garbage, or
36 pet waste.

37 (4)(a) Any compostable film bag that a retail establishment
38 provides to customers for products, including for products bagged in
39 stores prior to checkout, must meet the requirements for compostable
40 products and film bags in chapter (~~(70.360)~~) 70A.455 RCW.

1 (b) A retail establishment may not use or provide polyethylene or
2 other noncompostable plastic bags for bagging of customer products in
3 stores, as carryout bags, or for home delivery that do not meet the
4 requirements for noncompostable products and film bags in chapter
5 (~~70.360~~) 70A.455 RCW.

6 (5) Except as provided by local regulations enacted as of April
7 1, 2020, a retail establishment may provide a bag restricted under
8 subsection (1) of this section from existing inventory until one year
9 after June 11, 2020. The retail establishment, upon request by the
10 department, must provide purchase invoices, distribution receipts, or
11 other information documenting that the bag was acquired prior to June
12 11, 2020.

13 (6) For the purposes of this section:

14 (a) A recycled content paper carryout bag must:

15 (i) Contain a minimum of forty percent postconsumer recycled
16 materials, a minimum of 40 percent nonwood renewable fiber, or a
17 combination of postconsumer recycled materials and nonwood renewable
18 fiber that totals at least 40 percent;

19 (ii) Be capable of composting, consistent with the timeline and
20 specifications of the entire American society of testing materials
21 D6868 and associated test methods that must be met, as it existed as
22 of January 1, 2020; and

23 (iii) Display in print on the exterior of the paper bag the
24 minimum percentage of postconsumer content.

25 (b) A reusable carryout bag must:

26 (i) Have a minimum lifetime of one hundred twenty-five uses,
27 which for purposes of this subsection means the capacity to carry a
28 minimum of twenty-two pounds one hundred twenty-five times over a
29 distance of at least one hundred seventy-five feet;

30 (ii) Be machine washable or made from a durable material that may
31 be cleaned or disinfected; and

32 (iii) If made of film plastic:

33 (A) Be made from a minimum of twenty percent postconsumer
34 recycled content until July 1, 2022, and thereafter must be made from
35 a minimum of forty percent postconsumer recycled content;

36 (B) Display in print on the exterior of the plastic bag the
37 minimum percentage of postconsumer recycled content, the mil
38 thickness, and that the bag is reusable; and

1 (C) Have a minimum thickness of no less than 2.25 mils until
2 December 31, 2025, and beginning January 1, 2026, must have a minimum
3 thickness of four mils.

4 (c) Except for the purposes of subsection (4) of this section,
5 food banks and other food assistance programs are not retail
6 establishments, but are encouraged to take actions to reduce the use
7 of single-use plastic carryout bags.

--- END ---