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**SENATE BILL 5837**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senators Salomon, Das, Hunt, and Nobles

Read first time 01/12/22. Referred to Committee on Environment,  
Energy & Technology.

1 AN ACT Relating to removing plastic bags as an option for use at  
2 retail establishments; and reenacting and amending RCW 70A.530.020.

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

4 **Sec. 1.** RCW 70A.530.020 and 2021 c 65 s 78, 2021 c 65 s 77, and  
5 2021 c 33 s 2 are each reenacted and amended to read as follows:

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

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

10 (b) A paper carryout bag that does not meet the requirements of  
11 subsection (6)(a) of this section or a reusable carryout bag made of  
12 film plastic that does not meet recycled content requirements; or

13 (c) ~~((Beginning))~~ (i) Except as provided in (c)(ii) of this  
14 subsection, beginning January 1, ~~((2026))~~ 2023, a reusable carryout  
15 bag made of film plastic ~~((with a thickness of less than four mils,~~  
16 ~~in the event that the 2025 legislature does not amend this section to~~  
17 ~~reflect the recommendations to the legislature made consistent with~~  
18 ~~RCW 70A.530.060))~~;

19 (ii) A retail establishment may provide a reusable carryout bag  
20 made of film plastic to contain or wrap hot food.

1 (2) (a) A retail establishment may provide a reusable carryout bag  
2 or a compliant paper carryout bag of any size to a customer at the  
3 point of sale. A retail establishment may make reusable carryout bags  
4 available to customers through sale.

5 (b) (i) (~~Until December 31, 2025, a~~) A retail establishment must  
6 collect a pass-through charge of eight cents for every compliant  
7 paper carryout bag with a manufacturer's stated capacity of one-  
8 eighth barrel (~~((eight hundred eighty-two))~~) (882 cubic inches) or  
9 greater (~~((or))~~), and until December 31, 2022, for every compliant  
10 reusable carryout bag made of film plastic it provides, except as  
11 provided in subsection (5) of this section and RCW 70A.530.030.

12 (ii) (~~(Beginning January 1, 2026, a retail establishment must~~  
13 ~~collect a pass-through charge of twelve cents for reusable carryout~~  
14 ~~bags made of film plastic and eight cents for compliant paper~~  
15 ~~carryout bags, in the event that the 2025 legislature does not amend~~  
16 ~~this section to reflect the recommendations to the legislature made~~  
17 ~~consistent with RCW 70A.530.060.)) It is the intent of the  
18 legislature for the 2025 legislature to reassess the amount of the  
19 pass-through charge authorized under this subsection (2)(b), taking  
20 into consideration the content of the report to the legislature under  
21 RCW 70A.530.060.~~

22 (c) A retail establishment must keep all revenue from pass-  
23 through charges. The pass-through charge is a taxable retail sale. A  
24 retail establishment must show all pass-through charges on a receipt  
25 provided to the customer.

26 (3) Carryout bags provided by a retail establishment do not  
27 include:

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

29 (i) Package bulk items, such as fruit, vegetables, nuts, grains,  
30 candy, greeting cards, or small hardware items such as nails, bolts,  
31 or screws;

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

34 (A) Frozen foods;

35 (B) Meat;

36 (C) Fish;

37 (D) Flowers; and

38 (E) Potted plants;

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

40 (iv) Contain prescription drugs; or

1 (v) Protect a purchased item from damaging or contaminating other  
2 purchased items when placed in a compliant paper carryout bag or  
3 reusable carryout bag; or

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

8 (4)(a) Any compostable film bag that a retail establishment  
9 provides to customers for products, including for products bagged in  
10 stores prior to checkout, must meet the requirements for compostable  
11 products and film bags in chapter 70A.455 RCW.

12 (b) A retail establishment may not use or provide polyethylene or  
13 other noncompostable plastic bags for bagging of customer products in  
14 stores, as carryout bags, or for home delivery that do not meet the  
15 requirements for noncompostable products and film bags in chapter  
16 70A.455 RCW.

17 (5) Except as provided by local regulations enacted as of April  
18 1, 2020, a retail establishment may provide a bag restricted under  
19 subsection (1) of this section from existing inventory until one year  
20 after June 11, 2020. The retail establishment, upon request by the  
21 department, must provide purchase invoices, distribution receipts, or  
22 other information documenting that the bag was acquired prior to June  
23 11, 2020.

24 (6) For the purposes of this section:

25 (a) A compliant paper carryout bag must:

26 (i) Contain a minimum of (~~forty~~) 40 percent postconsumer  
27 recycled materials, a minimum of 40 percent nonwood renewable fiber,  
28 or a combination of postconsumer recycled materials and nonwood  
29 renewable fiber that totals at least 40 percent;

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

34 (iii) Display in print on the exterior of the paper bag the  
35 minimum percentage of postconsumer content, wheat straw fiber  
36 content, or both.

37 (b) A reusable carryout bag must:

38 (i) Have a minimum lifetime of (~~one hundred twenty-five~~) 125  
39 uses, which for purposes of this subsection means the capacity to  
40 carry a minimum of (~~twenty-two~~) 22 pounds (~~one hundred twenty-~~

1 ~~five~~) 125 times over a distance of at least (~~one hundred seventy-~~  
2 ~~five~~) 175 feet;

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

5 (iii) If made of film plastic:

6 (A) Be made from a minimum of (~~twenty~~) 20 percent postconsumer  
7 recycled content (~~until July 1, 2022, and thereafter must be made~~  
8 ~~from a minimum of forty percent postconsumer recycled content~~);

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

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

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

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