

---

**ENGROSSED SUBSTITUTE HOUSE BILL 1293**

---

**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Klicker, Dye, Connors, Barkis, Eslick, Caldier, and Kloba)

READ FIRST TIME 02/28/25.

1       AN ACT Relating to litter; amending RCW 70A.200.060; reenacting  
2 and amending RCW 70A.530.020; and prescribing penalties.

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

4       **Sec. 1.** RCW 70A.200.060 and 2024 c 231 s 2 are each amended to  
5 read as follows:

6       (1) It is a violation of this section to:

7       (a) Abandon a junk vehicle upon any property;

8       (b) Throw, drop, deposit, discard, or otherwise dispose of litter  
9 upon any public property in the state or upon private property in  
10 this state not owned by him or her or in the waters of this state  
11 whether from a vehicle or otherwise including but not limited to any  
12 public highway, public park, beach, campground, forestland,  
13 recreational area, trailer park, highway, road, street, or alley  
14 except:

15       (i) When the property is designated by the state or its agencies  
16 or political subdivisions for the disposal of garbage and refuse, and  
17 the person is authorized to use such property for that purpose;

18       (ii) Into a litter receptacle in a manner that will prevent  
19 litter from being carried away or deposited by the elements upon any  
20 part of the private or public property or waters.

1 (2) (a) Except as provided in subsection (5) of this section, it  
2 is a class ((3)) 2 civil infraction as provided in RCW 7.80.120 for a  
3 person to litter in an amount less than or equal to one cubic foot.  
4 This penalty is in addition to any penalty imposed for a violation of  
5 RCW 46.61.645(1).

6 (b) It is a misdemeanor for a person to litter in an amount  
7 greater than one cubic foot but less than 10 cubic yards. A violation  
8 of this subsection may alternatively be punished with a notice of a  
9 natural resource infraction under chapter 7.84 RCW.

10 (c) It is a gross misdemeanor for a person to litter more than 10  
11 cubic yards.

12 (d) (i) A person found liable or guilty under this section shall,  
13 in addition to the penalties provided for misdemeanors, gross  
14 misdemeanors, or for natural resource infractions as provided in RCW  
15 7.84.100, also pay a litter clean-up restitution payment equal to  
16 four times the actual cost of cleanup for natural resource  
17 infractions and misdemeanors and two times the actual cost of cleanup  
18 for gross misdemeanors. The court shall distribute an amount of the  
19 litter clean-up restitution payment that equals the actual cost of  
20 cleanup to the landowner where the littering incident occurred and  
21 the remainder of the restitution payment to the law enforcement  
22 agency investigating the incident.

23 (ii) The court may, in addition to or in lieu of part or all of  
24 the cleanup restitution payment, order the person to pick up and  
25 remove litter from the property, with prior permission of the legal  
26 owner or, in the case of public property, of the agency managing the  
27 property.

28 (iii) The court may suspend or modify the litter cleanup  
29 restitution payment for a first-time offender under this section, if  
30 the person cleans up and properly disposes of the litter.

31 (3) If a junk vehicle is abandoned in violation of this section,  
32 RCW 46.55.230 governs the vehicle's removal, disposal, and sale, and  
33 the penalties that may be imposed against the person who abandoned  
34 the vehicle.

35 (4) If the violation occurs in a state park, the court shall, in  
36 addition to any other penalties assessed, order the person to perform  
37 24 hours of community restitution in the state park where the  
38 violation occurred if the state park has stated an intent to  
39 participate as provided in RCW 79A.05.050.

1 (5) It is a class 1 civil infraction as provided in RCW 7.80.120  
2 for a person to discard, in violation of this section, potentially  
3 dangerous litter in any amount.

4 **Sec. 2.** 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 January 1, ~~((2026))~~ 2028, a reusable carryout bag  
14 made of film plastic with a thickness of less than four mils(~~(, in~~  
15 ~~the event that the 2025 legislature does not amend this section to~~  
16 ~~reflect the recommendations to the legislature made consistent with~~  
17 ~~RCW 70A.530.060))~~).

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

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

28 (ii) Beginning January 1, 2026, a retail establishment must  
29 collect a pass-through charge of twelve cents for reusable carryout  
30 bags made of film plastic and eight cents for compliant paper  
31 carryout bags(~~(, in the event that the 2025 legislature does not~~  
32 ~~amend this section to reflect the recommendations to the legislature~~  
33 ~~made consistent with RCW 70A.530.060. It is the intent of the~~  
34 ~~legislature for the 2025 legislature to reassess the amount of the~~  
35 ~~pass-through charge authorized under this subsection (2)(b), taking~~  
36 ~~into consideration the content of the report to the legislature under~~  
37 ~~RCW 70A.530.060))~~).

38 (c) A retail establishment must keep all revenue from pass-  
39 through charges. The pass-through charge is a taxable retail sale. A

1 retail establishment must show all pass-through charges on a receipt  
2 provided to the customer.

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

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

6 (i) Package bulk items, such as fruit, vegetables, nuts, grains,  
7 candy, greeting cards, or small hardware items such as nails, bolts,  
8 or screws;

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

11 (A) Frozen foods;

12 (B) Meat;

13 (C) Fish;

14 (D) Flowers; and

15 (E) Potted plants;

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

17 (iv) Contain prescription drugs; or

18 (v) Protect a purchased item from damaging or contaminating other  
19 purchased items when placed in a compliant paper carryout bag or  
20 reusable carryout bag; or

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

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

29 (b) A retail establishment may not use or provide polyethylene or  
30 other noncompostable plastic bags for bagging of customer products in  
31 stores, as carryout bags, or for home delivery that do not meet the  
32 requirements for noncompostable products and film bags in chapter  
33 70A.455 RCW.

34 (5) Except as provided by local regulations enacted as of April  
35 1, 2020, a retail establishment may provide a bag restricted under  
36 subsection (1) of this section from existing inventory until one year  
37 after June 11, 2020. The retail establishment, upon request by the  
38 department, must provide purchase invoices, distribution receipts, or  
39 other information documenting that the bag was acquired prior to June  
40 11, 2020.

1 (6) For the purposes of this section:  
2 (a) A compliant paper carryout bag must:  
3 (i) Contain a minimum of forty percent postconsumer recycled  
4 materials, a minimum of 40 percent nonwood renewable fiber, or a  
5 combination of postconsumer recycled materials and nonwood renewable  
6 fiber that totals at least 40 percent;  
7 (ii) Be capable of composting, consistent with the timeline and  
8 specifications of the entire American society of testing materials  
9 D6868 and associated test methods that must be met, as it existed as  
10 of January 1, 2020; and  
11 (iii) Display in print on the exterior of the paper bag the  
12 minimum percentage of postconsumer content, wheat straw fiber  
13 content, or both.  
14 (b) A reusable carryout bag must:  
15 (i) Have a minimum lifetime of one hundred twenty-five uses,  
16 which for purposes of this subsection means the capacity to carry a  
17 minimum of twenty-two pounds one hundred twenty-five times over a  
18 distance of at least one hundred seventy-five feet;  
19 (ii) Be machine washable or made from a durable material that may  
20 be cleaned or disinfected; and  
21 (iii) If made of film plastic:  
22 (A) Be made from a minimum of twenty percent postconsumer  
23 recycled content until July 1, 2022, and thereafter must be made from  
24 a minimum of forty percent postconsumer recycled content;  
25 (B) Display in print on the exterior of the plastic bag the  
26 minimum percentage of postconsumer recycled content, the mil  
27 thickness, and that the bag is reusable; and  
28 (C) Have a minimum thickness of no less than 2.25 mils until  
29 December 31, ((2025)) 2027, and beginning January 1, ((2026)) 2028,  
30 must have a minimum thickness of four mils.  
31 (c) Except for the purposes of subsection (4) of this section,  
32 food banks and other food assistance programs are not retail  
33 establishments, but are encouraged to take actions to reduce the use  
34 of single-use plastic carryout bags.

--- END ---