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HOUSE BILL 1189

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State of Washington

61st Legislature

2009 Regular Session

By Representatives Chase and Campbell

Read first time 01/14/09. Referred to Committee on Environmental Health.

1 AN ACT Relating to retail store carryout bags; adding a new chapter  
2 to Title 70 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** The definitions in this section apply  
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Carryout bag" means a bag that is provided by a retail store  
7 to a customer at the point of sale. "Carryout bag" does not include a  
8 bag used solely to contain the following:

9 (a) Fresh meat and fresh meat products, including but not limited  
10 to pork, beef, seafood, and poultry;

11 (b) Fruit or vegetables;

12 (c) Nuts or other bulk items;

13 (d) Dairy products;

14 (e) Ice; or

15 (f) Cooked foods.

16 (2) "Compostable plastic carryout bag" means any carryout bag that  
17 meets the applicable standards of compostable plastic as adopted by the  
18 American society of testing and materials (ASTM) international on the  
19 effective date of this section.

1 (3) "Department" means the department of ecology.

2 (4) "Person" means any public or private corporation,  
3 copartnership, sole proprietorship, association, firm, or individual.

4 (5) "Recyclable paper carryout bag" means any paper bag that is  
5 able to be recycled.

6 (6) "Recycle" means the act of transforming or remanufacturing  
7 waste materials into a finished product for use other than landfill  
8 disposal or incineration.

9 (7) "Retail store" means a place of business for the sale of goods  
10 or commodities directly to consumers.

11 (8) "Reusable carryout bag" means any carryout bag that is made of  
12 durable plastic that is at least 2.25 mils thick and is specifically  
13 designed and manufactured for multiple reuse, or is made of reusable  
14 machine-washable textile materials.

15 NEW SECTION. **Sec. 2.** (1) A person who owns or operates a retail  
16 store may not provide a carryout bag for free or for charge to a  
17 consumer unless the carryout bag is either a compostable plastic  
18 carryout bag, a recyclable paper carryout bag, or a reusable carryout  
19 bag.

20 (2) Retail stores operating in violation of this section are  
21 subject to a class 1 civil infraction under chapter 7.80 RCW. Each  
22 calendar day of operation in violation of this section comprises a new  
23 violation.

24 (3) The department shall develop guidelines identifying the  
25 specifications of carryout bags allowed under this section. Persons  
26 who own or operate a retail store and are providing carryout bags  
27 consistent with the guidelines are deemed to be in compliance with this  
28 section.

29 (4) This section does not apply to carryout bags in a retailer's  
30 existing on-site inventory as of August 1, 2009.

31 (5) The department may adopt rules as necessary for the purpose of  
32 implementing, administering, and enforcing this chapter.

33 NEW SECTION. **Sec. 3.** The state of Washington fully occupies and  
34 preempts the entire field of retail store carryout bag regulation  
35 within the boundaries of the state. Cities, towns, and counties or  
36 other municipalities may enact only those laws and ordinances relating

1 to retail store carryout bags that are consistent with this chapter.  
2 Local laws and ordinances that are inconsistent with, more restrictive  
3 than, or exceed the requirements of state law may not be enacted and  
4 are preempted and repealed, regardless of the nature of the code,  
5 charter, or home rule status of such a city, town, county, or  
6 municipality.

7 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act constitute  
8 a new chapter in Title 70 RCW.

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