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**HOUSE BILL 8001**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington** **65th Legislature** **2017 Regular Session**

**By** Representative \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Read first time XX/XX/XX. Referred to Committee on Environment.

AN ACT Relating to retail store carryout bags; and prescribing penalties.

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

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

(1) "Carryout bag" means a bag that is provided by a retail store to a customer. "Carryout bag" does not include a bag used solely to contain the following:

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

(b) Fruit or vegetables;

(c) Nuts or other bulk items;

(d) Dairy products;

(e) Ice; or

(f) Cooked foods.

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

(3) "Person" means any public or private corporation, association, firm, or individual.

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

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

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

(7) "Reusable carryout bag" means any carryout bag that is made of durable plastic that is at least 2.25 mils thick and is specifically designed and manufactured for multiple reuse, or is made of reusable machine-washable fabric.

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

(2) Retail stores operating in violation of this section are subject to a class 1 civil infraction. Each calendar day of operation in violation of this section comprises a new violation.

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

(4) The Department of Ecology may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

NEW SECTION. **Sec.** The state of Washington fully occupies and preempts the entire field of retail store carryout bag regulation within the boundaries of the state. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to retail store carryout bags that are consistent with this chapter. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law may not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such a city, town, county, or municipality.

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

**--- END ---**

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| **Washington State**  **House of Representatives**  **Office of Program Research** | **BILL**  **ANALYSIS** |

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| **Environmental Health Committee** |  |

**HB 8001**

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| This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent. |

**Brief Description**: Regarding retail store carryout bags.

**Sponsors**: Representative \_\_\_\_\_\_\_\_\_\_\_\_\_\_

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| --- |
| **Brief Summary of Bill** |
| * Prohibits retailers from providing carryout bags, for free or for charge, to consumers unless the bags are either compostable plastic carryout bags, recyclable paper carryout bags, or reusable carryout bags. |

**Hearing Date**: XX/XX/XX

**Staff**: [Teacher’s Name]

**Background**:

Local governments throughout the state have taken a variety of approaches to reduce the number of plastic bags given by retailers to customers, in an effort to lessen the number of plastic bags that end up as litter, in landfills, or in water bodies. Some of the options employed include imposing a fee on the use of plastic bags, requiring certain retailers to provide recycle bins for plastic bags, and banning the use of single use plastic bags. Some retail stores are providing alternatives to plastic bags or are phasing out the use of plastic bags altogether.

Civil infractions are noncriminal offenses subject to monetary penalties. A person who commits a Class I civil infraction is subject to a fine of $250.

**Summary of Bill**:

A person who owns or operates a retail store may not provide a carryout bag for free or for charge to a customer, unless the bag is a compostable plastic carryout bag, a recyclable paper carryout bag, or a reusable carryout bag. "Carryout bag" means a bag that is provided by a retail store to a customer, but does not include bags used solely to contain: fresh meat, poultry, or seafood; fruits or vegetables; nuts or other bulk items; dairy products; ice; or cooked foods.

"Compostable plastic carryout bags" must meet standards adopted by the American Society of Testing and Materials International. A "recyclable paper carryout bag is a paper bag that is able to be recycled, while a "reusable carryout bag" must be made of either a durable plastic of at least 2.25 mils thick or a reusable machine-washable textile material.

A retail store operating in violation of the ban on the provision of carryout bags for free or for charge is subject to a Class 1 civil infraction. Each calendar day of operation in violation constitutes a new violation.

The Department of Ecology (DOE) must develop guidelines for identifying the specifications of allowable carryout bags. Person abiding by DOE guidelines are deemed to be in compliance. The DOE is given rulemaking authority for purposes of implementation, administration, and enforcement.

Local governments may enact only those laws and ordinances relating to retail store carryout bags that are consistent with the above provisions, and local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law may not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of the local government.

**Appropriation**: None.

**Effective Date**: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

8001 AMENDMENT

By Representative \_\_\_\_\_\_\_\_\_\_

**HB 8001** - H COMM AMD **1**

By Committee on Environment

On page 2, line 22, after "(4)" insert "This section does not apply to carryout bags in a retailer's existing on-site inventory as of the effective date of this act.

(5)"

|  |  |
| --- | --- |
|  | EFFECT: Allows stores to continue using the remaining bags they already have when the law takes effect. |

**--- END ---**

8001 AMENDMENT

By Representative \_\_\_\_\_\_\_\_\_\_

**HB 8001** - H COMM AMD **2**

By Committee on Environment

On page 1, beginning on line 16, strike all of subsection (2)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 2, line 12, after "either" strike “either a compostable plastic carryout bag,”

On page 2, line 13, after "bag" strike ","

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|  | EFFECT: Prohibits the provision of compostable plastic carryout bags by retailers, and allows retailers to provide only recyclable paper or reusable carryout bags. |

**--- END ---**

8001 AMENDMENT

By Representative \_\_\_\_\_\_\_\_\_\_

**HB 8001** - H COMM AMD **3**

By Committee on Environment

On page 2, line 28, after “carryout bags that” strike “are consistent with this chapter” and insert “do not allow exceptions to the restrictions in this chapter”.

On page 2, beginning on line 28, after “chapter,” strike all material through "municipality.” on line 32

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|  | EFFECT: Allows for local laws that would impose more restrictions on carryout bags than specified under the act. |

**--- END ---**

8001 AMENDMENT

By Representative \_\_\_\_\_\_\_\_\_\_

**HB 8001** - H COMM AMD **4**

By Committee on Environment

On page 1, line 19, after “date of this section” insert “and is green in color to distinguish the bag from a plastic bag that is not compostable”.

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|  | EFFECT: Requires compostable bags be green in color. |

**--- END ---**

8001 AMENDMENT

By Representative \_\_\_\_\_\_\_\_\_\_

**HB 8001** - H COMM AMD **5**

By Committee on Environment

On page 2, line 11, after “for free” strike “or for charge”.

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|  | EFFECT: Allows stores to provide carryout bags as long as they charge consumers for them. |

**--- END ---**

**Mock Role Sheet – HB 8001**

**Committee: Environment**

**COMMITTEE MEMBERS**

*Study the bill, listen to and ask questions of lobbyists, propose amendments, vote on the bill and amendments*

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| **Majority Party** | **Minority Party** |
| Chair \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *Presides over the committee and majority caucus, decides how the meeting will run*  Vice Chair \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *Assists the chair, proposes motions*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Ranking Member\_\_\_\_\_\_\_\_\_\_\_  *Leads minority caucus*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

**PRIME SPONSOR \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*Testifies first at the hearing, as the legislator who proposed the bill*

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| **LOBBYISTS**  *Research their position on the bill and attempt to persuade legislators, by testifying at the hearing and lobbying*   |  |  | | --- | --- | | **Pro** | **Con** | | *Support passing the bill*  Washington Environmental Council  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Citizen Environmental Activist  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  City Waste Collection Agency  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Compostable Bag Manufacturer  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Group: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | *Oppose passing the bill*  Small Local Grocery Store Owner  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_National Chain Grocery Store  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Citizen Shopper  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Group: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Group: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | | | |  |  |  |
| **With Concerns**  *Oppose the bill in its current form, but might support with amendments addressing problems* | | | |  |  |  |
| Regional Grocery Store Association  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Group: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Group: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Group: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |