
SENATE BILL 5837

State of Washington

67th Legislature

2022 Regular Session

By Senators Salomon and Das

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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