



Memorandum

To: City Council Members

From: Jeff Tate, Director of Community Development

CC: Mayor Nancy Backus

Date: March 18, 2019

Re: Washington State Engrossed Substitute Senate Bill 5323

Overview of ESSB 5323 (Full Text Attached As Exhibit A)

- The law applies to following types of bags used by retailers and food establishments:
 - Single use plastic carryout bags
 - Recycled content paper carryout bag
 - Reusable carryout bag
 - Compostable film bag
- Purpose of law:
 - Reduce the impact of plastic bags on waste, litter, and marine pollution.
 - Eliminate the need for recycling centers to sort plastic bags out of the waste stream.
 - Streamline plastic bag bans because several municipalities have adopted different types of bans which results in inconsistent standards.
- Effect of law:
 - The law prohibits the use of single use plastic carryout bags.
 - The law requires a pass through charge on recycled content paper carryout bags and reusable carryout bags made of film plastic. The charge is \$0.08 for every recycled content paper carryout bag. The pass through charge is taxable.
 - Require the use of recycled content bags. The pass through charge is not charged to customers who utilize WIC, TANF, SNAP, or FAP type programs.
 - Encourage the provision of reusable and recycled content paper carryout bags by retail establishments.
- Exemptions from law:
 - Bags used for produce, bulk food, or small hardware items (e.g. nails).
 - Bags used to provide dampness or sanitation protection (e.g. frozen foods, meat/fish, flowers).
 - Bags use to contain unwrapped prepared foods or bakery goods.
 - Bags for prescription drugs.
 - Bags used for newspapers, door hangars, and laundry.
- If enacted, the effected date of the legislation is July 1, 2019. However, retailers may utilize their existing inventory of bags for 1 year after the effective date.
- Enforcement is complaint based. The enforcement agency is the Department of Ecology. A violation is subject to a \$250.00 civil penalty.

Status of Legislative Review

- SB 5323 was first introduced in the Senate on January 17, 2019 to the Senate Committee on Environment, Energy and Technology.
- On January 31, 2019 a 1st substitute was presented and passed. The 1st substitute bill was referred to the Senate Ways and Means Committee.
- On February 12, 2019 the Senate Ways and Means Committee held a public hearing.
- Following a number of executive session discussions the Senate Ways and Means Committee passed the 1st substitute bill on February 25, 2019.
- On March 5, 2019 the full Senate voted to adopt the 1st substitute bill with amendments passed on the floor of the Senate (31 yeas, 14 nays).
- On March 8, 2019 ESSB 5323 had its first reading before the House Committee on Environment and Energy.
- On March 18, 2019 the House Committee on Environment and Energy held a public hearing.

During the March 25, 2019 study session, staff will provide additional legislative updates that may occur after March 18, 2019.

Single Use Carryout Bag
(Prohibited)



Reusable Carryout Bag
(Allowed)



Compostable Film Bag
(Allowed if it meets recycled content requirements - green or brown only)



Compostable Film Bag
(Allowed if it meets recycled content requirements – not clear)



Recycled Content Paper Carryout Bag
(Allowed if it meets recycled content requirements)
(Requires \$0.08 charge per bag)

