

Summary of Washington's Plastic Bag Ban Law

Beginning October 1, 2021, a retail establishment (grocery stores, restaurants, convenience stores, etc.) cannot provide thin, t-shirt plastic bags – only certain bags are allowed (see below). Retailers must collect a pass-through charge of 8 cents for 1) paper bags they provide that are 1/8th barrel (882 cubic inches) or greater; and 2) plastic bags that are 2.25 mil or greater until 2026. On January 1, 2026, the fee for *plastic only* increases to 12 cents, and the only plastic bags allowed are 4 mil or higher. Any plastic bags smaller than that are not allowed in stores unless they are an exception. The stores may provide thinner/smaller paper bags but the stores do not need to charge a fee.

a. Bags allowed under the ordinance are as follows:

- i. Paper bags allowed - Recycled content paper carryout bag:
 1. Minimum 40% postconsumer recycled materials
 2. Capable of meeting ASTM composting requirements
 3. Display minimum percentage of recycled content in print on exterior of the bag
- ii. Plastic bags allowed - Reusable carryout bags
 1. Capacity to carry 22 lbs over 175 feet for minimum of 125 uses
 2. If made from film plastic, it must contain minimum of 20% postconsumer recycled materials until July 1, 2022. From there, the bags must contain a minimum of 40% post-consumer recycled materials
 3. If made from film plastic, must be 2.25 mil thick until December 31, 2025. If the Legislature has not changed anything by then, then beginning January 1, 2026, the plastic must be 4 mil thick.
 4. The minimum postconsumer recycled content and thickness of the bag must be displayed in print on the outside of the bag
- iii. Plastic bag exceptions – you can have thinner plastic bags used for these items/situations
 1. Bags used inside the stores to package bulk items such as fruit, vegetables, nuts, grains, candy, greeting cards, small hardware items such as nails, bolts or screws
 2. Contain or wrap items where dampness or sanitation might be a problem including but not limited to: frozen foods, meat, fish, flowers, potted plants
 3. Contain unwrapped prepared foods or bakery goods
 4. Contain prescription drugs
 5. Protect a purchased item from damaging or contaminating other purchased items
 6. Newspaper bags, mailing pouches, sealed envelopes, door hanger bags.. etc.

b. Retailers must collect an 8-cent fee and keep the entirety of the fee if providing the allowed bags above (1/8th paper bag and 2.25 mil plastic bag)

- i. A retail establishment must keep all revenue from the fee, but the charge is a taxable retail sale (sales tax).
 - ii. Retail establishments may deduct from business and occupation taxes the amounts collected from pass-through charges, but this tax deduction is not subject to tax preference performance statement or automatic expiration date.
 - iii. If you are in a local jurisdiction that currently mandates a 10-cent fee, the 10-cent fee will continue. (Bingen, White Salmon, Burien, Lake Forest Park, Snohomish, Anacortes, and Bothell). All other parts of the local ordinances banning plastic bags are repealed.
- c. **How long can retailers use the thin, t-shirt plastic bags?**
 - i. Retailers can use their already bought inventory of the thin, t-shirt plastic bags after October 1, 2021 until January 1, 2022.
- d. **Do I have to provide paper or 2.25 mil plastic bags?**
 - i. No! You can use other products such as cardboard boxes, reusable bags, or other products that you think of. Bags have been industry standard, but you are free to use your imagination – just no thin, t-shirt plastic bags.
- e. **Can I charge WIC/SNAP/TANF or FAP recipients if I provide them bags?**
 - i. No. Retail establishments may not collect a pass-through charge for anyone using a voucher or electronic benefits card issued under the above programs.

For any other questions on the Washington State Plastic Bag Ban, please contact Catherine Holm, Director of Government Affairs and Legal Counsel at Catherine@wafood.org.