

RCW 70A.245.140 Single-use plastic packaging—Prohibition on use by a lodging establishment—Penalty—Rule-making authority—Preemption—Definitions. (1) (a) A lodging establishment may not provide a personal health or beauty product in a small plastic personal health or beauty product container, a plastic wrapper, or any other single-use plastic packaging to a person staying in a lodging unit or within bathrooms shared by the public or guests. A lodging establishment may make products restricted under this subsection available to a person upon request.

(b) The requirements of (a) of this subsection apply beginning January 1, 2027, for lodging establishments with 50 or more lodging units, and beginning January 1, 2028, for lodging establishments with less than 50 lodging units.

(c) (i) Nothing in this subsection restricts the use of plastic refillable bulk health or beauty product dispensers.

(ii) Nothing in this subsection:

(A) Restricts the use of single-use health or beauty product containers, wrappers, or packaging that are not made with plastic; or

(B) Requires the use of refillable bulk health or beauty product dispensers.

(2) (a) The department must issue at least one notice of violation by certified mail to the owner or operator of a lodging establishment prior to assessing a penalty under (b) of this subsection.

(b) For the first and subsequent penalized violations by the owner or operator of a lodging establishment, the department may issue a civil penalty of up to \$500 for each day the lodging establishment provides personal health or beauty products in violation of this section. The department may not issue penalties to a lodging establishment in excess of \$2,000 annually.

(c) Penalties collected under this section must be deposited in the model toxics control operating account created in RCW 70A.305.180.

(d) A lodging establishment may appeal penalties assessed under this subsection to the pollution control hearings board created in chapter 43.21B RCW within 30 days of assessment.

(3) (a) The department may adopt rules to implement, administer, and enforce this section.

(b) The enforcement of this section must be primarily based on complaints filed with the department. The department must establish a forum for the filing of complaints, and any person may file complaints with the department using the forum. The forum established by the department may include a complaint form on the department's website, a telephone hotline, or a public outreach strategy relying upon electronic social media to receive complaints that allege violations. The department must provide a website with education and outreach resources that provides information about the requirements of this section to lodging establishments, consumers, and other interested individuals.

(4) On and after July 23, 2023, a city, town, or county may not enforce an ordinance, resolution, regulation, or rule relating to personal health or beauty products in single-use plastic bottles, wrappers, or packaging provided at lodging establishments.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) (i) "Lodging establishment" means an establishment that contains one or more sleeping room accommodations that are rented or otherwise provided to the public including, but not limited to, a

hotel, motel, resort, bed and breakfast, inn, timeshare property, short-term rental, or vacation rental.

(ii) "Lodging establishment" does not include a hospital, nursing home, residential retirement community, prison, jail, homeless shelter, boarding school, worker housing, or long-term rental.

(b) "Lodging unit" means one self-contained unit of a lodging establishment including, but not limited to, self-contained units designated by number, letter, or some other method of identification.

(c) "Personal health or beauty product" means:

(i) Shampoo, hair conditioner, bath soap, body wash, or shower gel that is intended to serve the same function as body wash or soap, and that is intended to be applied to or used on the human body in the shower or bath;

(ii) Lotion;

(iii) Hand soap; and

(iv) Hand sanitizer.

(d) "Short-term rental" has the same meaning as defined in RCW 64.37.010.

(e) "Small plastic personal health or beauty product container" means a plastic bottle, tube, sachet, or other plastic container with less than a six-ounce capacity that is not intended to be reusable by the end user and that contains a personal health or beauty product.
[2023 c 135 § 4.]

Finding—Intent—2023 c 135: See note following RCW 19.27.590.