

Senate Bill No. 1749

Passed the Senate August 26, 2004

Secretary of the Senate

Passed the Assembly August 23, 2004

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2004, at _____ o'clock __M.

Private Secretary of the Governor



CHAPTER _____

An act to add Chapter 5.7 (commencing with Section 42355) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1749, Karnette. Plastic bags: labeling.

The existing California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, establishes an integrated waste management program. The act requires every manufacturer that manufactures plastic trash bags of a specified thickness to ensure that a trash bag intended for sale in this state contains a quantity of recycled plastic postconsumer material equal to at least 10% of the weight of the bag, or that at least 30% of the weight of the material used in all of the manufacturer's plastic products intended for sale in this state is recycled plastic postconsumer material.

This bill would prohibit a person from selling a plastic bag that is labeled as "biodegradable," "compostable," "degradable," or as otherwise specified, unless, at the time of the sale, the plastic bag meets a current ASTM standard specification for the term used on the label.

The bill would require a manufacturer or supplier, as defined, upon the request of a member of the public, to submit to that member, within 90 days of the request, information and documentation demonstrating compliance with the bill.

The people of the State of California do enact as follows:

SECTION 1. Chapter 5.7 (commencing with Section 42355) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 5.7. BIODEGRADABLE AND COMPOSTABLE PLASTIC BAGS

42355. The Legislature finds and declares that it is the public policy of the state that environmental marketing claims, whether



explicit or implied, should be substantiated by competent and reliable evidence to prevent deceiving or misleading consumers about the environmental impact of plastic bags. For consumers to have accurate and useful information about the environmental impact of plastic bags and packages, environmental marketing claims should adhere to uniform and recognized standards, including those standard specifications established by the American Society for Testing and Materials.

42356. For purposes of this chapter, the following definitions apply:

(a) “ASTM” means the American Society for Testing and Materials.

(b) “ASTM standard specification” means a definition found in the Style and Form Guide for ASTM Standards and does not include an ASTM Standard Guide, a Standard Practice, or a Standard Test Method.

(c) “Manufacturer” means a person, firm, association, partnership, or corporation that produces a plastic bag.

(d) “Supplier” means a person who does one or more of the following:

(1) Sells, offers for sale, or offers for promotional purposes, a plastic bag that is used by a person to contain a product.

(2) Takes title to a plastic bag produced either domestically or in a foreign country, that is purchased for resale or promotional purposes.

42357. (a) A person shall not sell a plastic bag in this state that is labeled with the term “compostable,” “biodegradable,” “degradable,” or any form of those terms, or in anyway imply that the bag will break down in a landfill, composting, marine, or other natural terrestrial environment, unless, at the time of the sale, the plastic bag meets a current ASTM standard specification for the term used on the label.

(b) A manufacturer or supplier, upon the request of a member of the public, shall submit to that member, within 90 days of the request, information and documentation demonstrating compliance with this chapter, in a format that is easy to understand and scientifically accurate.



Approved _____, 2004

Governor

