

AMENDED IN ASSEMBLY MARCH 16, 2006
AMENDED IN ASSEMBLY FEBRUARY 21, 2006
CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1866

Introduced by Assembly Member Karnette

January 17, 2006

An act to add Chapter 6.5 (commencing with Section ~~42380~~ 42390) to Part 3 of Division 30 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 1866, as amended, Karnette. Recycling: polystyrene: state facilities.

Existing law requires all rigid plastic bottles and rigid plastic containers sold in the state to be labeled with a code that indicates the resin used to produce the rigid plastic bottle or rigid plastic container. Existing law, the California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, requires every rigid plastic packaging container, as defined, sold or offered for sale in this state, to generally meet one of specified criteria.

This bill would define terms and would prohibit a state facility from selling, possessing, or distributing an expanded polystyrene food container on and after January 1, 2008. The bill would direct a state agency to require each prospective bidder, on and after January 1, 2008, to certify that it, and its agents, subsidiaries, partners, joint venturers, and subcontractors for procurement, will not sell, possess, or distribute an expanded polystyrene food container at a state facility.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Chapter 6.5 (commencing with Section ~~42380~~
2 ~~42390~~) is added to Part 3 of Division 30 of the Public Resources
3 Code, to read:

4
5 CHAPTER 6.5. POLYSTYRENE CONTAINERS

6
7 ~~42380.~~

8 ~~42390.~~ For purposes of this chapter, the following definitions
9 shall apply:

10 (a) "Expanded polystyrene food container" means a rigid
11 plastic packing container, as defined in Section 42301, that meets
12 all of the following conditions:

13 (1) Polystyrene is the sole resin used to produce the rigid
14 plastic packaging container.

15 (2) The container is required to be labeled with a "6" pursuant
16 to subdivision (a) of Section 18015.

17 (3) The container is used, or is intended to be used, to contain
18 food, as defined in Section 109935 of the Health and Safety
19 Code.

20 (b) "State facility" means a facility owned or leased by a state
21 agency, department, office, board, commission, or bureau of state
22 government, including, but not limited to, the campuses of the
23 California State University, the University of California, and the
24 California Community Colleges, prisons within the Department
25 of Corrections *and Rehabilitation*, and facilities of the
26 Department of Parks and Recreation.

27 ~~42381.~~

28 ~~42391.~~ On and after January 1, 2008, a state facility shall not
29 sell, possess, or distribute an expanded polystyrene food
30 container.

31 ~~42382.~~

32 ~~42392.~~ On and after January 1, 2008, a request for proposal
33 or a contract for food, food service, or food containers shall
34 require the bidder or contractor to certify that it, and its agents,
35 subsidiaries, partners, joint venturers, and subcontractors for

1 procurement, shall not sell, possess, or distribute an expanded
2 polystyrene food container at a state facility.
3 ~~42383.~~
4 *42393.* This chapter shall apply to the campuses of the
5 University of California only upon the approval of the Board of
6 Regents of the University of California.

O