

AMENDED IN ASSEMBLY MAY 3, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2449

Introduced by Assembly Member Levine

February 23, 2006

An act to add Chapter 5.1 (commencing with Section 42247) to Part 3 of Division 30 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 2449, as amended, Levine. Recycling: plastic bags.

The California Integrated Waste Management Act of 1989 establishes an integrated waste management program and establishes requirements for the recycling and reuse of various products, including metallic discards, compost, plastic packaging containers, and newsprint. Existing law requires every manufacturer that manufactures specified plastic trash bags to ensure that at least 10% of the weight of the regulated bags, or that at least 30% of the weight of the material used, in all of its plastic products intended for sale in this state is recycled plastic postconsumer material.

This bill would require *the operator of* a store, as defined, to establish an in-store recycling program that provides an opportunity for a customer of the store to return a plastic bag provided by the store back to that store. The bill would require a plastic bag provided by a store to have specified information printed or displayed on the bag, and would require the placement of a plastic bag collection bin ~~be placed~~ in each store that is visible and easily accessible to the

consumer. The bill would also require *the operator of* a store to make reusable bags available to customers, for purchase.

The bill would require a manufacturer of plastic bags to provide any needed assistance to any person who ~~owns~~ *operates* more than one store to develop in-store recycling programs for each individual store.

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

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

1 SECTION 1. The Legislature finds and declares all of the
 2 following:

3 (a) On a global level, the production of plastic bags has
 4 significant environmental impacts each year, including the use of
 5 over 12 million barrels of oil, and the deaths of thousands of
 6 marine animals through ingestion and entanglement.

7 (b) Each year, an ~~estimate~~ *estimated* 500 billion to 1 trillion
 8 plastic bags are used worldwide, which is over one million bags
 9 per minute, and of which billions of bags end up as litter each
 10 year.

11 (c) Most plastic bags ~~don't biodegrade, but photodegrade~~ *do not*
 12 *biodegrade, but photodegrade*, which means that the bags break
 13 down into smaller and smaller toxic bits that contaminate soil
 14 and waterways and enter in the food web when animals
 15 accidentally ingest those materials.

16 SEC. 2. Chapter 5.1 (commencing with Section 42247) is
 17 added to Part 3 of Division 30 of the Public Resources Code, to
 18 read:

19
 20 CHAPTER 5.1. ~~IN-STORE~~ *IN-STORE* RECYCLING PROGRAM

21
 22 42247. For purposes of this chapter, the following definitions
 23 shall apply:

24 (a) "Store" means a retail establishment in the state that meets
 25 both of the following requirements:

- 26 (1) The store has over 40,000 square feet of retail space.
- 27 (2) More than 5 percent of the store's merchandise is not
- 28 subject to a sales or use tax pursuant to Part 1 (commencing with
- 29 Section 6001) of Division 2 of the Revenue and Taxation Code.

1 (b) "Manufacturer" means the producer of a plastic carryout
2 bag sold to a store.

3 (c) "Operator" means a person in control of, or having daily
4 responsibility for, the daily operation of a store, which may
5 include, but is not limited to, the owner of the store.

6 ~~(e)~~

7 (d) "Plastic bag" means a plastic carryout bag provided by a
8 store to a customer.

9 42248. ~~A store~~*The operator of a store* shall establish an
10 in-store recycling program pursuant to this chapter that provides
11 an opportunity for a customer of the store to return a plastic bag
12 provided by the store back to that store.

13 42249. An in-store recycling program provided by *the*
14 *operator of* a store shall include all of the following:

15 (a) A plastic bag provided by the store shall have printed or
16 displayed on the bag, in a manner visible to a consumer, the
17 words "RETURN TO STORE FOR RECYCLING." The
18 message printed or displayed on a bag pursuant to this
19 subdivision shall be in bold capital letters with a minimum font
20 size of 14.

21 (b) A plastic bag collection bin shall be placed in each store
22 and shall be visible and easily accessible to the consumer.

23 (c) ~~For~~*The operator of the* store shall make reusable bags
24 available to customers, which may be purchased in lieu of using
25 a plastic or paper bag.

26 (d) The returned plastic bags shall be collected, transported,
27 and recycled in accordance with this division.

28 42249.1. A manufacturer shall provide any needed assistance
29 to a person who ~~owns~~ *operates* more than one store to develop
30 in-store recycling programs for each individual store ~~owned~~
31 *operated* by that person, to ensure that the plastic bags are
32 collected, transported, and recycled in accordance with this
33 division.

34

35 _____

36 CORRECTIONS:

37 Text — Page 2.

38 _____

O