

AMENDED IN SENATE JUNE 14, 2006

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 *carryout* bag provided by the store back to that store. The bill would require a plastic *carryout* bag provided by a store to have specified information printed or displayed on the bag, and would require the placement of a plastic *carryout* bag collection bin 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 *carryout* bags to provide any needed assistance to any person who 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 estimated 500 billion to 1 trillion plastic bags
8 are used worldwide, which is over one million bags per minute,
9 and of which billions of bags end up as litter each year.

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

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

18
19 CHAPTER 5.1. IN-STORE RECYCLING PROGRAM

20
21 42247. For purposes of this chapter, the following definitions
22 shall apply:

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

- 25 (1) The store has over 40,000 square feet of retail space.
- 26 (2) More than 5 percent of the store's merchandise is not
27 subject to a sales or use tax pursuant to Part 1 (commencing with
28 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 (d) “Plastic *carryout* bag” means a plastic carryout bag
7 provided by a store to a customer *at the point of sale*.

8 42248. The operator of a store shall establish an in-store
9 recycling program pursuant to this chapter that provides an
10 opportunity for a customer of the store to return a plastic
11 *carryout* bag provided by the store back to that store.

12 42249. An in-store recycling program provided by the
13 operator of a store shall include all of the following:

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

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

23 (c) The operator of the store shall make reusable bags
24 available to customers, which may be purchased in lieu of using
25 a plastic *carryout bag* 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 operates more than one store to develop in-store
30 recycling programs for each individual store operated by that
31 person, to ensure that the plastic *carryout* bags are collected,
32 transported, and recycled in accordance with this division.