

AMENDED IN ASSEMBLY APRIL 9, 2007

AMENDED IN ASSEMBLY MARCH 28, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 820

Introduced by Assembly Member Karnette
(Coauthors: Assembly Members Krekorian and Mendoza)
(Coauthors: Senators Kuehl and Wiggins)

February 22, 2007

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

LEGISLATIVE COUNSEL'S DIGEST

AB 820, 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. 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, 2009. A state agency would be directed to require each prospective bidder or contractor, on and after January 1, 2009, 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.

The bill would provide that this requirement applies to the campuses of the University of California only upon the approval of the Board of Regents of the University of California. The bill would exempt prisons and state mental facilities if the Secretary of the Department of Corrections and Rehabilitation, for the prisons, or the Director of Mental Health, for state mental facilities, determines that the use of expanded polystyrene food containers is the only viable alternative that would not pose a danger for persons at those facilities.

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 42390)
2 is added to Part 3 of Division 30 of the Public Resources Code, to
3 read:

4

5

CHAPTER 6.5. POLYSTYRENE CONTAINERS

6

7 42390. For purposes of this chapter, the following definitions
8 shall apply:

9 (a) “Expanded polystyrene food container” means a rigid plastic
10 packaging container, as defined in Section 42301, that meets all
11 of the following conditions:

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

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

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

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

25 42391. On and after January 1, 2009, a state facility shall not
26 sell, possess, or distribute an expanded polystyrene food container.

1 42392. On and after January 1, 2009, a request for proposal or
2 a contract for food, food service, or food containers shall require
3 the bidder or contractor to certify that it, and its agents, subsidiaries,
4 partners, joint venturers, and subcontractors for procurement, shall
5 not sell, possess, or distribute an expanded polystyrene food
6 container at a state facility.

7 42393. (a) This chapter shall apply to the campuses of the
8 University of California only upon the approval of the Board of
9 Regents of the University of California.

10 (b) *This chapter shall not apply to prison facilities within the*
11 *Department of Corrections and Rehabilitation if the Secretary of*
12 *the Department of Corrections and Rehabilitation determines that*
13 *the use of expanded polystyrene food containers is the only viable*
14 *alternative that would not present a danger to inmates or other*
15 *persons at those facilities.*

16 (c) *This chapter shall not apply to state mental facilities if the*
17 *Director of Mental Health determines that the use of expanded*
18 *polystyrene food containers is the only viable alternative that*
19 *would not present a danger to patients or other persons at those*
20 *facilities.*