

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY APRIL 20, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1329

Introduced by Assembly Member Brownley

February 27, 2009

An act to add Part 9 (commencing with Section ~~49700~~ 49750) to Division 30 of the Public Resources Code, relating to product management.

LEGISLATIVE COUNSEL'S DIGEST

AB 1329, as amended, Brownley. Product management: polyvinyl chloride (PVC) packaging.

The California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, prohibits a person from selling a food or beverage container in this state that is labeled with the term “compostable” or “marine degradable,” unless the food or beverage container meets certain requirements.

This bill, on and after January 1, 2013, would prohibit a retail establishment, as defined, from selling, distributing, or importing in commerce a rigid polyvinyl chloride packaging container, as defined. The bill, on and after January 1, 2014, would prohibit a retail establishment from selling, distributing, or importing in commerce a flexible polyvinyl chloride packaging container, as defined.

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. Part 9 (commencing with Section ~~49700~~ 49750)
2 is added to Division 30 of the Public Resources Code, to read:

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PART 9. PRODUCT MANAGEMENT

CHAPTER 1. DEFINITIONS

CHAPTER 2. POWERS AND DUTIES

CHAPTER 3. ENFORCEMENT AND PENALTIES

CHAPTER 4. PVC PACKAGING MATERIALS

14 49750. For the purposes of this chapter, the following terms
15 have the following meanings:

16 (a) "Flexible polyvinyl chloride packaging container" means a
17 container that is used to contain, hold, protect, or display another
18 product, alone or in combination with paperboard or other
19 materials, if all of the following conditions apply:

20 (1) Polyvinyl chloride plastic resin is the primary component
21 of the container.

22 (2) The container is only intended to hold, protect, or display
23 another product until that product is opened or consumed, at which
24 point the container serves no function for the continued use or
25 long-term storage of the product and is intended to be discarded.

26 (3) The container has the shape of a sack, pouch, or other
27 packaging shape, including a shrink or stretch wrap.

28 (4) The container has a flexible shape or form.

29 (b) "Retail establishment" or "retailer" means an individual,
30 partnership, corporation, association, or other legal relationship
31 that engages in the business of selling goods to retail buyers.

32 (c) "Rigid polyvinyl chloride packaging container" means a
33 container that is used to contain, hold, protect, or display another
34 product, alone or in combination with paperboard or other
35 materials, if all of the following conditions apply:

36 (1) Polyvinyl chloride plastic resin is the primary component
37 of the container.

1 (2) The container is only intended to hold, protect, or display
2 another product until that product is opened or consumed, at which
3 point the container serves no function for the continued use or
4 long-term storage of the product and is intended to be discarded.

5 (3) The container has the shape of a cup, bottle, bowl, clamshell,
6 or other packaging shape.

7 (4) The container has an inflexible or finite shape or form and
8 is capable of maintaining its shape while holding other products
9 and has essentially the same shape empty as full.

10 (d) *“Rigid polyvinyl chloride packaging container” and*
11 *“flexible polyvinyl chloride packaging container” do not include*
12 *any of the following:*

13 (1) *A container that encloses a dangerous drug, as defined in*
14 *Section 4022 of the Business and Professions Code, or a container*
15 *that encloses an over-the-counter human or veterinary drug,*
16 *including, but not limited to, a drug as defined in Section 109925*
17 *of the Health and Safety Code or as defined in Section 321 of Title*
18 *21 of the federal Food, Drug, and Cosmetic Act.*

19 (2) *A container in which a medical device, as defined in Section*
20 *109920 of the Health and Safety Code, is enclosed.*

21 49751. (a) On and after January 1, 2013, a retail establishment
22 shall not sell, distribute, or import in commerce a rigid polyvinyl
23 chloride packaging container in this state.

24 (b) On and after January 1, 2014, a retail establishment shall
25 not sell, distribute, or import in commerce a flexible polyvinyl
26 chloride packaging container in this state.