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

LEGISLATIVE COUNSEL’S DIGEST

AB 2138, as amended, Chesbro. Product management: single-use recyclable packaging containers.

The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery requires every rigid plastic packaging container, as defined, sold or offered for sale in this state, to generally meet one of specified criteria. Existing law requires the operator of a store to establish an at-store recycling program for plastic carryout bags, until January 1, 2013.

This bill would enact the Plastic Ocean Pollution Reduction, Recycling, and Composting Act and would prohibit a food provider, after July 1, 2011, but not after July 1, 2013, from distributing a disposable food service packaging or a single-use carryout bag, as defined, unless the packaging or bag meets the criteria for either compostable packaging or recyclable packaging. The bill would prohibit a food provider, on and after July 1, 2013, from distributing a disposable food service packaging or a single-use carryout bag to a consumer, unless the department determines the packaging or bag is recovered for composting or recovered for recycling at a rate of 25 percent or more.
The people of the State of California do enact as follows:

SECTION 1. Part 9 (commencing with Section 49700) is added to Division 30 of the Public Resources Code, to read:

PART 9. PRODUCT MANAGEMENT

Chapter 1. Definitions

Chapter 2. Powers and Duties

Chapter 3. Enforcement and Penalties

Chapter 4. Plastic Ocean Pollution Reduction, Recycling and Composting Act


49700. This chapter shall be known, and may be cited, as the Plastic Ocean Pollution Reduction, Recycling, and Composting Act.

49750.1. It is the intent of the Legislature, consistent with recommendations in the Ocean Protection Council report “Eliminating Land-based Discharges of Marine Debris in California,” to designate responsibility and authority for reduction of marine debris, plastic ocean pollution, and its sources to a state agency.

Article 2. Definitions

49751. For the purposes of this chapter the following terms have the following meanings, unless the context clearly requires otherwise:

(a) “Compostable packaging” means a material that meets all of the following criteria:
(1) The packaging distributed with food for in-store consumption is accepted back for composting by the food provider.

(2) The packaging is accepted for composting in a residential collection program available to at least 75 percent of the households in the jurisdiction in which it is distributed, as determined by the department.


(b) “Department” means the Department of Resources Recycling and Recovery.

c) (1) “Disposable food service packaging” means single-use disposable products used by a food provider for serving or transporting prepared and ready-to-consume food or beverages.

(2) “Disposable food service packaging” includes, but is not limited to, plates, cups, bowls, trays, and hinged or lidded containers.

(3) “Disposable food service packaging” does not include such single-use disposable items as straws, cup lids, or utensils, or single-use disposable packaging for unprepared foods.

d) “Food provider” means an establishment that provides prepared food for public consumption on or off its premises and includes, but is not limited to, a store, shop, sales outlet, restaurant, grocery store, supermarket, deli, catering truck, or vehicle.

e) (1) “Prepared food” means ready-to-consume food or beverage prepared on the food provider’s premises, using a cooking or food preparation technique.

(2) “Prepared food” does not include raw uncooked meat, fish, or eggs, unless the item is provided for consumption without further food preparation.

(f) “Recyclable packaging” means a material that meets all of the following criteria:

(1) The packaging distributed with food for in-store consumption is accepted back for recycling by the food provider.

(2) The packaging is accepted for recycling in a residential collection program available to at least 75 percent of the households...
in the jurisdiction in which it is distributed, as determined by the department.

(g) “Single-use carryout bag” means a carryout bag provided by a store food provider to a customer to contain prepared food at the point of sale.

Article 3. Packaging Waste Reduction and Recycling Responsibilities

49752. (a) On and after July 1, 2011, until July 1, 2013, a food provider shall not distribute a disposable food service packaging or a single-use carryout bag to a consumer, unless the disposable food service packaging or single-use carryout bag meets the criteria for either compostable packaging or recyclable packaging.

(b) On and after July 1, 2013, a food provider shall not distribute a disposable food service packaging or a single-use carryout bag to a consumer, unless the department determines the disposable food service packaging or single-use carryout bag is recovered for composting or recovered for recycling at a rate of 25 percent or more.