

**ASSEMBLY BILL**

**No. 298**

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**Introduced by Assembly Member Brownley**

February 9, 2011

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An act to add Section 42253.5 to the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 298, as introduced, Brownley. Recycling: reusable bags.

Existing law, part of the California Integrated Waste Management Act of 1989, as administered by the Department of Resources Recycling and Recovery, requires an operator of a store, as defined, to establish an at-store recycling program that provides customers the opportunity to return clean plastic carryout bags to that store and to make reusable bags available to customers. A violation of these requirements is subject to civil liability penalties imposed by a local agency or the state. These requirements are repealed on January 1, 2013.

This bill would, until January 1, 2013, prohibit a manufacturer, as defined, from selling or distributing a reusable bag in this state, if the bag is designed or intended to be sold or distributed to a store's customers, unless the reusable bag meets certain conditions regarding the cleaning and disinfection of the bag and the material of which the bag is composed.

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

3 (a) Despite local and state efforts to minimize land-based sources  
4 of pollution, and increasing efforts worldwide to protect water  
5 quality, the quantity of plastic pollution in the world’s aquatic  
6 environments is increasing.

7 (b) Recycled content paper carryout bags, while not without  
8 their environmental impacts, when made with 40 percent or more  
9 postconsumer content, are a high-value recyclable collected in  
10 every curbside and community recycling program in California.

11 (c) Plastics made from biobased sources that are marketed as  
12 “compostable” or “biodegradable” are not environmentally sound  
13 alternatives to plastic carryout bags because they have not been  
14 shown to degrade in aquatic environments and require conditions  
15 only available in composting facilities to rapidly break down into  
16 constituents that assimilate back into the environment. Most  
17 Californians lack access to composting facilities capable of  
18 accepting compostable plastic bags.

19 (d) On February 8, 2007, the California Ocean Protection  
20 Council approved a resolution to call for statewide action to reduce  
21 the amount of land-based sources of marine debris. The resulting  
22 implementation strategy, adopted by the California Ocean  
23 Protection Council in November 2008, called for aggressive actions  
24 to reduce the use of single-use plastic products, including plastic  
25 bags.

26 (e) In California and other states, many cities have already  
27 introduced or enacted bans on single-use carryout bags, creating  
28 a patchwork of rules and regulations governing the use and disposal  
29 of these bags.

30 SEC. 2. Section 42253.5 is added to the Public Resources Code,  
31 to read:

32 42253.5. (a) Notwithstanding subdivision (a) of Section 42250,  
33 for purposes of this section, “manufacturer” means a producer of  
34 a reusable bag or a person that purchases a reusable bag from a  
35 producer for resale or redistribution in this state.

36 (b) A manufacturer shall not sell or distribute a reusable bag in  
37 this state, if the reusable bag is designed or intended to be sold or

1 distributed to a store's customers, unless the reusable bag meets  
2 all of the following conditions:

3 (1) The reusable bag is made from a material that can be cleaned  
4 and disinfected.

5 (2) There is printed on the bag, or on a tag attached to the bag,  
6 and in a manner visible to the consumer, guidelines for cleaning  
7 and disinfecting the reusable bag.

8 (3) (A) The reusable bag does not contain lead, cadmium, or  
9 any other heavy metal in toxic amounts.

10 (B) Subparagraph (A) shall not affect any authority of the  
11 Department of Toxic Substances Control pursuant to Article 14  
12 (commencing with Section 25251) of Chapter 6.5 of Division 20  
13 of the Health and Safety Code and, notwithstanding subdivision  
14 (c) of Section 25257.1 of the Health and Safety Code, the reusable  
15 grocery bag shall not be considered as a product category already  
16 regulated or subject to regulation.

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