

AMENDED IN ASSEMBLY MARCH 30, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 298

**Introduced by Assembly Member Brownley Members Brownley,
Dickinson, and Huffman**
(Principal coauthor: Assembly Member Chesbro)
(Coauthors: Senators De León and Evans)

February 9, 2011

~~An act to add Section 42253.5 to the Public Resources Code, relating~~
*An act to add Chapter 5.2 (commencing with Section 42280) to Part 3
of Division 30 of the Public Resources Code, relating to recycling.*

LEGISLATIVE COUNSEL'S DIGEST

AB 298, as amended, 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 These requirements are repealed on January 1, 2013.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, *as defined*, 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 guidelines for the cleaning and disinfection of the bag and the material of which the bag is composed~~ *are printed on the bag or on a tag attached to the bag.*

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-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) 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.~~

1 ~~(b) A manufacturer shall not sell or distribute a reusable bag in~~
2 ~~this state, if the reusable bag is designed or intended to be sold or~~
3 ~~distributed to a store’s customers, unless the reusable bag meets~~
4 ~~all of the following conditions:~~

5 ~~(1) The reusable bag is made from a material that can be cleaned~~
6 ~~and disinfected.~~

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

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

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

19 *SEC. 2. Chapter 5.2 (commencing with Section 42280) is added*
20 *to Part 3 of Division 30 of the Public Resources Code, to read:*

21
22 *CHAPTER 5.2. REUSABLE BAGS*

23
24 *42280. For purposes of this chapter, the following definitions*
25 *shall apply:*

26 *(a) “Manufacturer” means a producer of a reusable bag or a*
27 *person that purchases a reusable bag from a producer for resale*
28 *or redistribution in this state.*

29 *(b) “Reusable bag” means a bag with handles that is specifically*
30 *designed and manufactured for multiple reuse and meets all of the*
31 *following requirements:*

32 *(1) Has a minimum lifetime of 125 uses, which for purposes of*
33 *this subdivision, means the capability of carrying a minimum of*
34 *22 pounds 125 times over a distance of at least 175 feet.*

35 *(2) Has a minimum volume of 15 liters.*

36 *(3) Is machine washable or is made from a material that can*
37 *be cleaned or disinfected.*

38 *(4) Does not contain lead, cadmium, or any other heavy metal*
39 *in toxic amounts, as defined by applicable state and federal*
40 *standards and regulations for packaging or reusable bags.*

1 (5) Has printed on the bag, or on a tag that is permanently
2 affixed to the bag, the name of the manufacturer, the location
3 (country) where the bag was manufactured, a statement that the
4 bag does not contain lead, cadmium, or any other heavy metal in
5 toxic amounts, and the percentage of postconsumer recycled
6 material used, if any.

7 (6) If made of plastic, is a minimum of at least 2.25 mils thick.

8 (c) “Store” means a retail establishment that meets any of the
9 following requirements:

10 (1) A full-line, self-service retail store with gross annual sales
11 of two million dollars (\$2,000,000), or more, and which sells a
12 line of dry grocery, canned goods, or nonfood items, and some
13 perishable items.

14 (2) Has over 10,000 square feet of retail space that generates
15 sales or use tax pursuant to the Bradley-Burns Uniform Local
16 Sales and Use Tax Law (Part 1.5 (commencing with Section 7200)
17 of Division 2 of the Revenue and Taxation Code) and has a
18 pharmacy licensed pursuant to Chapter 9 (commencing with
19 Section 4000) of Division 2 of the Business and Professions Code.

20 (3) Is a convenience food store, foodmart, or other entity
21 engaged in the retail sale of a limited line of goods that generally
22 includes milk, bread, soda, and snack foods with a Type 20 or Type
23 21 license issued by the Department of Alcoholic Beverage Control.

24 42281. A manufacturer shall not sell or distribute a reusable
25 bag in this state if the reusable bag is designed or intended to be
26 sold or distributed to a store’s customers, unless guidelines for
27 cleaning and disinfecting the reusable bag are printed on the bag,
28 or on a tag attached to the bag, in a manner visible to the
29 consumer.

30 42282. Nothing in this chapter shall affect the authority of the
31 Department of Toxic Substances Control pursuant to Article 14
32 (commencing with Section 25251) of Chapter 6.5 of Division 20
33 of the Health and Safety Code and, notwithstanding subdivision
34 (c) of Section 25257.1 of the Health and Safety Code, a reusable
35 grocery bag shall not be considered as a product category already
36 regulated or subject to regulation.

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