

AMENDED IN SENATE MAY 24, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1834**

---

---

**Introduced by Assembly Member Brownley**

February 22, 2012

---

---

~~An act to add Section 40182.5 to the Public Resources Code, relating to solid waste.~~ *An act to amend Sections 42250, 42252, and 42254 of the Public Resources Code, relating to recycling.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1834, as amended, Brownley. Recycling: reusable bags.

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, *as defined*, available to customers. *Existing law prohibits a city, county, or other local public agency from taking specified regulatory actions with regard to plastic carryout bags. A violation of these requirements is subject to civil liability penalties imposed by a local agency or the state.* These requirements *and prohibitions* are repealed on January 1, 2013.

~~This bill would define the term “reusable bag” for purposes of the act.~~ *This bill would revise the definition of the term “reusable bag” to require the bag to meet specified requirements concerning lifetime use, volume, content, labeling, and washability, and would require the operator of a store to make these reusable bags available to customers after July 1, 2013. The bill also would delete the prohibition on a city, county, or*

other local public agency from taking specified regulatory actions with regard to plastic carryout bags.

The bill would only become operative only if SB 1219 of the 2011–12 Regular Session is enacted and becomes effective on or before January 1, 2013, and amends Section 42257 of the Public Resources Code to extend the date on which the provisions establishing the at-store recycling program are repealed.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 42250 of the Public Resources Code is  
2 amended to read:

3 42250. For purposes of this chapter, the following definitions  
4 shall apply:

5 (a) “Manufacturer” means the producer of a plastic carryout  
6 bag sold to a store.

7 (b) “Operator” means a person in control of, or having daily  
8 responsibility for, the daily operation of a store, which may include,  
9 but is not limited to, the owner of the store.

10 (c) “Plastic carryout bag” means a plastic carryout bag provided  
11 by a store to a customer at the point of sale.

12 (d) “Reusable bag” means ~~either of the following:~~

13 ~~(1) A bag made of cloth or other machine washable fabric that~~  
14 ~~has handles.~~

15 ~~(2) A durable plastic bag with handles that is at least 2.25 mils~~  
16 ~~thick and is specifically designed and manufactured for multiple~~  
17 ~~reuse a bag with handles that is specifically designed and~~  
18 ~~manufactured for multiple reuse and meets all of the following~~  
19 ~~requirements:~~

20 ~~(1) Has a minimum lifetime of 125 uses, which for purposes of~~  
21 ~~this subdivision, means the capability of carrying a minimum of~~  
22 ~~22 pounds for not less than 125 times over a distance of at least~~  
23 ~~175 feet.~~

24 ~~(2) Has a minimum volume of 15 liters.~~

25 ~~(3) Is machine washable or is made from a material that can~~  
26 ~~be cleaned or disinfected.~~

27 ~~(4) Does not contain lead, cadmium, or any other heavy metal~~  
28 ~~in prohibited or actionable amounts, as defined by applicable state~~

1 *and federal standards and regulations for packaging or reusable*  
2 *bags.*

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

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

10 (e) “Store” means a retail establishment that provides plastic  
11 carryout bags to its customers as a result of the sale of a product  
12 and that meets either of the following requirements:

13 (1) Meet the definition of a “supermarket” as found in Section  
14 14526.5.

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

21 *SEC. 2. Section 42252 of the Public Resources Code is*  
22 *amended to read:*

23 42252. An at-store recycling program provided by the operator  
24 of a store shall include all of the following:

25 (a) A plastic carryout bag provided by the store shall have  
26 printed or displayed on the bag, in a manner visible to a consumer,  
27 the words “PLEASE RETURN TO A PARTICIPATING STORE  
28 FOR RECYCLING.”

29 (b) A plastic carryout bag collection bin shall be placed at each  
30 store and shall be visible, easily accessible to the consumer, and  
31 clearly marked that the collection bin is available for the purpose  
32 of collecting and recycling plastic carryout bags.

33 (c) All plastic bags collected by the store shall be collected,  
34 transported, and recycled in a manner that does not conflict with  
35 the local jurisdiction’s source reduction and recycling element,  
36 pursuant to Chapter 2 (commencing with Section 41000) and  
37 Chapter 3 (commencing with Section 41300) of Part 2.

38 (d) The store shall maintain records describing the collection,  
39 transport, and recycling of plastic bags collected for a minimum  
40 of three years and shall make the records available to the board or

1 the local jurisdiction, upon request, to demonstrate compliance  
2 with this chapter.

3 ~~(e) The (1) On and after July 1, 2013, the operator of the a~~  
4 ~~store shall make reusable bags, as defined in Section 42250,~~  
5 ~~available to customers within the store, which may be purchased~~  
6 ~~and used in lieu of using a plastic carryout bag or paper bag. This~~  
7 ~~subdivision is~~

8 ~~(2) On and after January 1, 2013, until June 30, 2013, the~~  
9 ~~operator of a store shall make reusable bags, as defined in Section~~  
10 ~~42250, as that section read on January 1, 2012, available to~~  
11 ~~customers within the store, which may be purchased and used in~~  
12 ~~lieu of using a plastic carryout bag or paper bag.~~

13 ~~(3) Paragraphs (1) and (2) are not applicable to a retail~~  
14 ~~establishment specified pursuant to subdivision (b) of Section~~  
15 ~~42251.~~

16 *SEC. 3. Section 42254 of the Public Resources Code is*  
17 *amended to read:*

18 ~~42254. (a) The Legislature finds and declares that all of these~~  
19 ~~are matters of statewide interest and concern:~~

20 ~~(1) Requiring a store to collect, transport, or recycle plastic~~  
21 ~~carryout bags:~~

22 ~~(2) Imposing a plastic carryout bag fee upon a store.~~

23 ~~(3) Requiring a store to conduct auditing or reporting with regard~~  
24 ~~to plastic carryout bags.~~

25 ~~(b) Unless expressly authorized by this chapter, a city, county,~~  
26 ~~or other public agency shall not adopt, implement, or enforce an~~  
27 ~~ordinance, resolution, regulation, or rule to do any of the following:~~

28 ~~(1) Require a store that is in compliance with this chapter to~~  
29 ~~collect, transport, or recycle plastic carryout bags.~~

30 ~~(2) Impose a plastic carryout bag fee upon a store that is in~~  
31 ~~compliance with this chapter.~~

32 ~~(3) Require auditing or reporting requirements that are in~~  
33 ~~addition to what is required by subdivision (d) of Section 42252,~~  
34 ~~upon a store that is in compliance with this chapter.~~

35 ~~(e)~~

36 ~~42254. (a) This section chapter does not prohibit the adoption,~~  
37 ~~implementation, or enforcement of any local ordinance, resolution,~~  
38 ~~regulation, or rule governing curbside or drop off recycling~~  
39 ~~programs operated by, or pursuant to a contract with, a city, county,~~

1 or other public agency, including any action relating to fees for  
2 these programs.

3 ~~(d)~~

4 ~~(b) This section chapter does not affect any contract, franchise,~~  
5 ~~permit, license, or other arrangement regarding the collection or~~  
6 ~~recycling of solid waste or household hazardous waste.~~

7 *SEC. 4. The provisions of this act shall become operative only*  
8 *if Senate Bill 1219 of the 2011–12 Regular Session is enacted and*  
9 *becomes effective on or before January 1, 2013, and amends*  
10 *Section 42257 of the Public Resources Code to extend the date on*  
11 *which Chapter 5.1 (commencing with Section 42250) of Part 3 of*  
12 *Division 30 of the Public Resources Code is repealed.*

13 ~~SECTION 1. Section 40182.5 is added to the Public Resources~~  
14 ~~Code, to read:~~

15 ~~40182.5. “Reusable bag” means a bag with handles that is~~  
16 ~~specifically designed and manufactured for multiple reuse and~~  
17 ~~meets all of the following requirements:~~

18 ~~(a) Has a minimum lifetime of 125 uses, which for purposes of~~  
19 ~~this subdivision, means the capability of carrying a minimum of~~  
20 ~~22 pounds 125 times over a distance of at least 175 feet.~~

21 ~~(b) Has a minimum volume of 15 liters.~~

22 ~~(c) Is machine washable or is made from a material that can be~~  
23 ~~cleaned or disinfected.~~

24 ~~(d) Does not contain lead, cadmium, or any other heavy metal~~  
25 ~~in toxic amounts, as defined by applicable state and federal~~  
26 ~~standards and regulations for packaging or reusable bags.~~

27 ~~(e) Has printed on the bag, or on a tag that is permanently affixed~~  
28 ~~to the bag, the name of the manufacturer, the location (country)~~  
29 ~~where the bag was manufactured, a statement that the bag does~~  
30 ~~not contain lead, cadmium, or any other heavy metal in toxic~~  
31 ~~amounts, and the percentage of postconsumer recycled material~~  
32 ~~used, if any.~~

33 ~~(f) If made of plastic, is a minimum of at least 2.25 mils thick.~~