

Introduced by Senator Wolk

February 23, 2012

An act to amend Sections 42254 and 42257 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

SB 1219, as introduced, Wolk. Recycling: plastic bags.

Existing law requires an operator of a store, as defined, to establish an at-store recycling program that provides to customers the opportunity to return clean plastic carryout bags to that store. This requirement is repealed on January 1, 2013. Existing law prohibits a city, county, or other local public agency from taking specified regulatory actions with regard to the recycling of plastic carryout bags. Existing law provides for the enforcement of those provisions by local agencies and by the state and requires the civil penalties collected by the state to be expended by the Attorney General, upon appropriation by the Legislature, to implement these requirements.

This bill would extend those at-store recycling program requirements until January 1, 2020, and would repeal the provisions preempting local regulatory action.

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. Section 42254 of the Public Resources Code is
2 amended to read:
3 42254. (a) The Legislature finds and declares that all of these
4 are matters of statewide interest and concern:

1 (1) Requiring a store to collect, transport, or recycle plastic
2 carryout bags.

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

4 (3) Requiring a store to conduct auditing or reporting with regard
5 to plastic carryout bags.

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

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

11 (2) Impose a plastic carryout bag fee upon a store that is in
12 compliance with this chapter.

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

16 (e)

17 42254. (a) This section *chapter* does not prohibit the adoption,
18 implementation, or enforcement of any local ordinance, resolution,
19 regulation, or rule governing curbside or drop off recycling
20 programs operated by, or pursuant to a contract with, a city, county,
21 or other public agency, including any action relating to fees for
22 these programs.

23 (d)

24 (b) This section *chapter* does not affect any contract, franchise,
25 permit, license, or other arrangement regarding the collection or
26 recycling of solid waste or household hazardous waste.

27 SEC. 2. Section 42257 of the Public Resources Code is
28 amended to read:

29 42257. This chapter shall remain in effect only until January
30 1, 2013 2020, and as of that date is repealed, unless a later enacted
31 statute, that is enacted before January 1, 2013 2020, deletes or
32 extends that date.