

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1337

Introduced by Assembly Member Allen

February 22, 2013

An act to ~~amend Section 42251 of~~ *add Section 42254.5 to the Public Resources Code, relating to solid waste.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1337, as amended, Allen. Solid waste: plastic bag: recycling.

Existing law requires a store, as defined, to establish an at-store recycling program to provide an opportunity for a customer of the store to return to the store clean plastic carryout bags. Existing law authorizes a retail establishment that is not a store, as defined, and that provides plastic carryout bags, to adopt an at-store recycling program.

~~This bill would make technical, nonsubstantive changes to the above provision~~ *prohibit a city, county, or other public agency from adopting, implementing, or enforcing an ordinance, resolution, regulation, or rule that prohibits a retail establishment from offering to its customers, or otherwise prohibits a person from using, a single-use plastic carryout bag for purposes of containing specified products. The bill would also prohibit a city, county, or other public agency that otherwise prohibits the distribution of single-use plastic carryout bags by retail establishments from adopting, implementing, or enforcing an ordinance, resolution, regulation, or rule that imposes a fee, tax, or other charge upon a retail establishment that provides a single-use carryout bag that is not made of plastic to its customers or that requires the retail establishment to collect a fee, tax, or other charge from a customer for*

providing that type of single-use carryout bag. The bill would declare the matters regulated by the bill are of statewide interest and concern.

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

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

1 *SECTION 1. Section 42254.5 is added to the Public Resources*
2 *Code, to read:*

3 *42254.5. (a) For purposes of this section, “household chemical*
4 *product” means a chemically formulated product used by*
5 *households or consumers, including, but not limited to, detergents,*
6 *cleaning compounds, polishes, floor finishes, cosmetics, personal*
7 *care products, home, lawn, and garden products, disinfectants,*
8 *and sanitizers.*

9 *(b) The Legislature finds and declares that both of the following*
10 *are matters of statewide interest and concern:*

11 *(1) The use of single-use plastic carryout bags for the purposes*
12 *specified in subdivision (c).*

13 *(2) The imposition of a tax, fee, or charge for providing a*
14 *single-use carryout bag that is not made of plastic, as specified in*
15 *subdivision (d).*

16 *(c) A city, county, or other public agency, including, but not*
17 *limited to, a chartered city or county, shall not adopt, implement,*
18 *or enforce an ordinance, resolution, regulation, or rule that*
19 *prohibits a retail establishment from offering to its customers, or*
20 *that otherwise prohibits a person from using, a single-use plastic*
21 *carryout bag for purposes of containing meat, poultry, fruits,*
22 *vegetables, household chemical products, or food or products*
23 *intended for consumption or use by domestic pets.*

24 *(d) A city, county, or other public agency, including, but not*
25 *limited to, a chartered city or county, that otherwise prohibits the*
26 *distribution of single-use plastic carryout bags by a retail*
27 *establishment to its customers shall not adopt, implement, or*
28 *enforce an ordinance, resolution, regulation, or rule that imposes*
29 *a fee, tax, or other charge upon a retail establishment that provides*
30 *a single-use carryout bag that is not made of plastic to its*
31 *customers or that requires the retail establishment to collect a fee,*
32 *tax, or other charge from a customer for providing a single-use*
33 *carry-out bag that is not made of plastic.*

1 (e) *This section does not prohibit a retail establishment from*
2 *selling a reusable bag to its customers.*

3 ~~SECTION 1. Section 42251 of the Public Resources Code is~~
4 ~~amended to read:~~

5 ~~42251. (a) The operator of a store shall establish an at-store~~
6 ~~recycling program pursuant to this chapter that provides an~~
7 ~~opportunity for a customer of the store to return to the store clean~~
8 ~~plastic carryout bags.~~

9 ~~(b) A retail establishment that is not a store, as specified in~~
10 ~~Section 42250, and that provides plastic carryout bags to customers~~
11 ~~at the point of sale may also adopt an at-store recycling program,~~
12 ~~as specified in this chapter.~~