

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1337**

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**Introduced by Assembly Member Allen**

February 22, 2013

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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.~~