

AMENDED IN ASSEMBLY FEBRUARY 6, 2014

**SENATE BILL**

**No. 270**

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**Introduced by ~~Senator~~ *Senators Padilla, De León, and Lara***

February 14, 2013

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~~An act to add Section 106.5 to the Labor Code, relating to employment.~~ *An act to add Chapter 5.3 (commencing with Section 42280) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 270, as amended, Padilla. ~~Underground economy: enforcement actions.~~ *Solid waste: single-use carryout bags.*

*(1) Existing law, until 2020, 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 bill, as of July 1, 2015, would prohibit stores that have a specified amount of sales in dollars or retail floor space from providing a single-use carryout bag to a customer, with specified exceptions. The bill would also prohibit a store from selling or distributing a recycled paper bag at the point of sale unless the store makes that bag available for purchase for not less than \$0.10. The bill would also allow such a store, on or after July 1, 2015, to distribute compostable bags at the point of sale only in jurisdictions that meet specified requirements and at a cost of not less than \$0.10. The bill would require these stores to meet other specified requirements on and after July 1, 2015, regarding providing reusable grocery bags to customers, including distributing those bags only at a cost of not less than \$0.10.*

*The bill, on and after July 1, 2016, would additionally impose these prohibitions and requirements on convenience food stores, foodmarts, and entities engaged in the sale of a limited line of goods, or goods intended to be consumed off premises, and that hold a specified license with regard to alcoholic beverages.*

*The bill would allow a retail establishment to voluntarily comply with these requirements, if the retail establishment notifies the department and pays a registration fee established by the department.*

*The bill would require the operator of a store that has a specified amount of sales in dollars or retail floor space, in addition to complying with existing requirements, to establish an at-store recycling program that provides an opportunity for customers to return to the store clean polyethylene, polypropylene, and polyethylene terephthalate bags, including requiring those bags that are provided by the store to display a specified notice and providing for the placement of collection bins in a specified manner.*

*The bill would require certain stores selling a reusable grocery bag on and after July 1, 2015, to a customer at the point of sale to meet specified requirements with regard to the bag's durability, material, labeling, heavy metal content, and, with regard to reusable grocery bags made from plastic on and after January 1, 2016, recycled material content. The bill would impose these requirements as of July 1, 2016, on the stores that are otherwise subject to the bill's requirements.*

*The bill would prohibit a producer of reusable grocery bags made from specified plastics from selling or distributing those bags on and after January 1, 2016, unless the producer is certified by the Department of Resources Recycling and Recovery. The bill would require the application for certification to include specified information that verifies the incorporation of clean postconsumer recycled material. The bill would also authorize a supplier of postconsumer recycled material to a producer of those bags to apply to the department for certification as a supplier of material. The bill would specify a procedure for a person to submit a written request to the department objecting to approval of a certification and for the holding of a hearing regarding that approval.*

*The department would be authorized to suspend or revoke a certification under specified circumstances and would be required to publish on its Internet Web site a list of certified reusable grocery bag producers and suppliers and reusable grocery bags that comply with the requirements of the bill. The bill would require the department to establish a certification fee schedule to cover the department's costs to*

*implement these requirements, which a reusable grocery bag producer or supplier applying for certification would be required to pay. The bill would also require a reusable grocery bag producer to submit specified laboratory test results to the department.*

*A violation of these requirements would be subject to an administrative civil penalty assessed by the department. The department would be required to deposit these penalties into the Reusable Bag Account, which would be created in the Integrated Waste Management Fund, for expenditure by the department, upon appropriation by the Legislature, to implement those requirements.*

*The bill would allow a city, county, or city and county, or the state to impose civil penalties for a violation of the bill's requirements, except as specified. The bill would require these civil penalties to be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action, and would allow the penalties collected by the Attorney General to be expended by the Attorney General, upon appropriation by the Legislature, to enforce the bill's provisions. The bill would provide that these remedies are not exclusive, as specified.*

*The bill would declare that it occupies the whole field of the regulation of reusable grocery bags, single-use carryout bags, and recycled paper bags and would prohibit a local public agency from enforcing or implementing an ordinance, resolution, regulation, or rule adopted on or after September 1, 2014, relating to those bags, against a store unless expressly authorized. The bill would allow a local public agency that has adopted such an ordinance, resolution, regulation, or rule prior to September 1, 2014, to continue to enforce and implement that ordinance, resolution, regulation, or rule, and would preempt any amendments to that ordinance, resolution, regulation, or rule, except that the bill would allow a local public agency to adopt or amend an ordinance, resolution, regulation, or rule setting a price for a recycled paper bag, compostable bag, or reusable grocery bag.*

*(2) The California Integrated Waste Management Act of 1989 creates the Recycling Market Development Revolving Loan Subaccount in the Integrated Waste Management Account and continuously appropriates the funds deposited in the subaccount to the department for making loans for the purposes of the Recycling Market Development Revolving Loan Program. Existing law makes the provisions regarding the loan program, the creation of the subaccount, and expenditures therefrom inoperative on July 1, 2021, and repeals them as of January 1, 2022.*

*This bill would appropriate \$2,000,000 from the Recycling Market Development Revolving Loan Subaccount in the Integrated Waste Management Account to the department for the purposes of providing loans and grants for the creation and retention of jobs and economic activity in California for the manufacture and recycling of plastic reusable grocery bags that use recycled content. The bill would require a recipient of a grant to agree, as a condition of receiving a grant, to take specified actions.*

~~Existing law establishes the Joint Enforcement Strike Force on the Underground Economy to combat tax violations and cash-pay employment and to report to the Legislature on the underground economy by June 30 of each year. The Department of Industrial Relations established the Labor Enforcement Task Force to help to eliminate the underground economy by ensuring that employers do not violate wage, hour, and safety laws by illegally hiring workers.~~

~~This bill would require, to the extent feasible, agencies participating in either of these groups to coordinate their law enforcement activities and to exchange information between them regarding these activities.~~

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

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

1     SECTION 1. Chapter 5.3 (commencing with Section 42280)  
2     is added to Part 3 of Division 30 of the Public Resources Code,  
3     to read:

4  
5                    CHAPTER 5.3. SINGLE-USE CARRYOUT BAGS

6  
7                                 Article 1. Definitions

8  
9     42280. (a) “Department” means the Department of Resources  
10  Recycling and Recovery.

11    (b) “Postconsumer recycled material” means a material that  
12    would otherwise be destined for solid waste disposal, having  
13    completed its intended end use and product life cycle.  
14    Postconsumer recycled material does not include materials and  
15    byproducts generated from, and commonly reused within, an  
16    original manufacturing and fabrication process.

1 (c) “Recycled paper bag” means a paper carryout bag provided  
2 by a store to a customer at the point of sale that meets all of the  
3 following requirements:

4 (1) (A) Except as provided in subparagraph (B), contains a  
5 minimum of 40 percent postconsumer recycled materials.

6 (B) An eight pound or smaller recycled paper bag shall contain  
7 a minimum of 20 percent postconsumer recycled material.

8 (2) Is accepted for recycling in curbside programs in a majority  
9 of households that have access to curbside recycling programs in  
10 the state.

11 (3) Has printed on the bag the name of the manufacturer, the  
12 country where the bag was manufactured, and the minimum  
13 percentage of postconsumer content.

14 (d) “Reusable grocery bag” means a bag that is provided by a  
15 store to a customer at the point of sale that meets the requirements  
16 of Section 42281.

17 (e) (1) “Reusable grocery bag producer” means a person or  
18 entity that does any of the following:

19 (A) Manufactures reusable grocery bags for sale or distribution  
20 to a store.

21 (B) Imports reusable grocery bags into this state, for sale or  
22 distribution to a store.

23 (C) Sells or distributes reusable bags to a store.

24 (2) “Reusable grocery bag producer” does not include a store,  
25 with regard to a reusable grocery bag for which there is a  
26 manufacturer or importer, as specified in subparagraph (A) or  
27 (B) of paragraph (1).

28 (f) (1) “Single-use carryout bag” means a bag made of plastic,  
29 paper, or other material that is provided by a store to a customer  
30 at the point of sale and that is not a recycled paper bag or a  
31 reusable grocery bag that meets the requirements of Section 42281.

32 (2) A single-use carryout bag does not include either of the  
33 following:

34 (A) A bag provided by a pharmacy pursuant to Chapter 9  
35 (commencing with Section 4000) of Division 2 of the Business and  
36 Professions Code to a customer purchasing a prescription  
37 medication.

38 (B) A nonhandled bag used to protect a purchased item from  
39 damaging or contaminating other purchased items when placed

1 in a recycled paper bag, a reusable grocery bag, or a compostable  
 2 plastic bag.

3 (g) “Store” means a retail establishment that meets any of the  
 4 following requirements:

5 (1) A full-line, self-service retail store with gross annual sales  
 6 of two million dollars (\$2,000,000) or more that sells a line of dry  
 7 groceries, canned goods, or nonfood items, and some perishable  
 8 items.

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

15 (3) Is a convenience food store, foodmart, or other entity that  
 16 is engaged in the retail sale of a limited line of goods, generally  
 17 including milk, bread, soda, and snack foods, and that holds a  
 18 Type 20 or Type 21 license issued by the Department of Alcoholic  
 19 Beverage Control.

20 (4) Is a convenience food store, foodmart, or other entity that  
 21 is engaged in the retail sale of goods intended to be consumed off  
 22 the premises, and that holds a Type 20 or Type 21 license issued  
 23 by the Department of Alcoholic Beverage Control.

24 (5) Is not otherwise subject to paragraph (1), (2), (3), or (4), if  
 25 the retail establishment voluntarily agrees to comply with the  
 26 requirements imposed upon a store pursuant to this chapter,  
 27 notifies the department of its intent to comply with the requirements  
 28 imposed upon a store pursuant to this chapter, and pays the  
 29 registration fee that may be established pursuant to Section 42284.  
 30

31 Article 2. Reusable Grocery Bags

32  
 33 42281. (a) On and after July 1, 2015, a store, as defined in  
 34 paragraph (1) or (2) of subdivision (g) of Section 42280, may sell  
 35 or distribute a reusable grocery bag to a customer at the point of  
 36 sale only if the reusable bag meets all of the following  
 37 requirements:

38 (1) Has a handle and is designed for at least 125 uses. A bag  
 39 satisfies this minimum use requirement if the bag is capable of

1 carrying two full, one gallon milk jugs for 125 uses and meets  
2 either of the following requirements:

3 (A) If the bag is made of polyethylene, polypropylene, or  
4 polyethylene terephthalate, the bag has a minimum thickness of  
5 at least 2.25 mils.

6 (B) If the bag is made of a woven or nonwoven polymer or fiber,  
7 the bag has a minimum fabric weight of at least 80 grams per  
8 square meter.

9 (2) Has a volume capacity of at least 15 liters.

10 (3) Is machine washable or made from a material that can be  
11 cleaned and disinfected.

12 (4) Has printed on the bag, or on a tag attached to the bag that  
13 is not intended to be removed, and in a manner visible to the  
14 consumer, all of the following information:

15 (A) The name of the manufacturer.

16 (B) The country where the bag was manufactured.

17 (C) A statement that the bag is a reusable bag and designed for  
18 at least 125 uses.

19 (D) Instructions to return the bag to the store for recycling or  
20 to another appropriate recycling location, if applicable.

21 (5) Does not contain lead, cadmium, or any other heavy metal  
22 in toxic amounts. This requirement shall not affect any authority  
23 of the Department of Toxic Substances Control pursuant to Article  
24 14 (commencing with Section 25251) of Chapter 6.5 of Division  
25 20 of the Health and Safety Code and, notwithstanding subdivision  
26 (c) of Section 25257.1 of the Health and Safety Code, the reusable  
27 grocery bag shall not be considered as a product category already  
28 regulated or subject to regulation.

29 (6) Complies with Section 260.12 of Part 260 of Title 16 of the  
30 Code of Federal Regulations related to recyclable claims if the  
31 reusable grocery bag producer makes a claim that the reusable  
32 grocery bag is recyclable.

33 (b) In addition to the requirements in subdivision (a), a reusable  
34 grocery bag made from plastic, including sheet, woven, or  
35 nonwoven plastic, shall meet all of the following requirements:

36 (1) On and after January 1, 2016, be made from a minimum of  
37 20 percent postconsumer recycled material,

38 (2) On and after January 1, 2020, be made from a minimum of  
39 40 percent postconsumer recycled material.

1 (3) All postconsumer recycled material shall be cleaned using  
2 washing equipment specifically designed for that purpose.

3 (4) In addition to the information required to be printed on the  
4 bag or on a tag, pursuant to paragraph (4) of subdivision (a), a  
5 statement that the bag is made partly or wholly from postconsumer  
6 material, as applicable, as well as stating the percentage.

7 (c) A plastic reusable grocery bag that also meets the  
8 specifications of the American Society of Testing and Materials  
9 (ASTM) Standard Specification for Compostable Plastics D6400,  
10 as published in September 2004, is not required to meet the  
11 requirements of paragraph (1) or (2) of subdivision (b), but shall  
12 be labeled in accordance with the applicable state law regarding  
13 compostable plastics.

14 (d) On and after July 1, 2016, a store as defined in paragraph  
15 (3) or (4) of subdivision (g) of Section 42280, shall comply with  
16 the requirements of this section.

17 42281.5. (a) On and after January 1, 2016, a producer of  
18 polyethylene, polypropylene, or polyethylene terephthalate reusable  
19 grocery bags shall not sell or distribute a reusable grocery bag  
20 in this state unless the producer is certified by the department  
21 pursuant to this section. Certification shall require that the  
22 reusable grocery bags sold by the producer comply with the  
23 requirements of Section 42281. The application for certification  
24 submitted by the producer shall verify the incorporation of cleaned  
25 postconsumer recycled material into bags, as required by  
26 paragraphs (1), (2), and (3) of subdivision (b) of Section 42281,  
27 and shall include all of the following:

28 (1) Names, locations, and contact information of all sources  
29 and suppliers of postconsumer recycled material. Except as  
30 provided in subdivision (c), the supplier shall be certified by the  
31 department as a post-consumer recycled material supplier pursuant  
32 to subdivision (b).

33 (2) Quantity and dates of postconsumer recycled material  
34 purchases by the reusable bag producer.

35 (3) Any other information that the department may require to  
36 enable verification of the information provided in the application.

37 (b) A supplier of material to a producer of polyethylene,  
38 polypropylene, or polyethylene terephthalate reusable grocery  
39 bags may apply to the department for certification as a supplier  
40 of material. The application for certification shall verify the



1 *methods of collecting and processing the postconsumer recycled*  
2 *material, including all of the following:*

3 *(1) How the postconsumer material is obtained.*

4 *(2) Washing equipment, including the name of the maker, model,*  
5 *description, photographs, and exact locations of the equipment.*

6 *(3) Any other information that the department may require to*  
7 *enable verification of the information provided in the application.*

8 *(c) If a reusable grocery bag producer obtains postconsumer*  
9 *recycled material without an intermediate supplier, the reusable*  
10 *grocery bag producer is not required to provide, in its application,*  
11 *the information regarding the certification of a supplier pursuant*  
12 *to subdivision (b), but shall provide the department with the same*  
13 *information otherwise required under paragraphs (1) to (3),*  
14 *inclusive, of subdivision (b).*

15 *(d) The department shall provide a system to submit applications*  
16 *for certification online.*

17 *(e) The department shall post on its Internet Web site 90 days*  
18 *written notice of its intention to approve or disapprove a*  
19 *certification application submitted pursuant to subdivision (a) or*  
20 *(b), including its proposed decision, and shall invite public*  
21 *comments. The notice shall include copies of all documents*  
22 *submitted in support of the application, with pricing information*  
23 *removed. The department may respond to any public comments*  
24 *submitted in writing. The department shall issue a written ruling*  
25 *on the application, stating its reasons and fully explaining its*  
26 *responses to any objections.*

27 *(f) (1) A person may object to a proposed approval of a*  
28 *certification on the grounds that the application for certification*  
29 *of the reusable grocery bag producer or supplier did not comply*  
30 *with the requirements imposed pursuant to this section, including*  
31 *the verification of postconsumer recycled material, by submitting*  
32 *a written request to the department.*

33 *(2) Upon receiving a written request pursuant to paragraph*  
34 *(1), the department shall hold a public hearing before approving*  
35 *the application.*

36 *(3) After holding a hearing pursuant to paragraph (2), the*  
37 *department shall issue a written ruling on the application, stating*  
38 *its reasons and fully explaining its response to any objections in*  
39 *the written request.*

1 (4) A person objecting to the department's approval of  
2 certification, following a hearing conducted pursuant to paragraph  
3 (2), may file an action for review of that approval in the superior  
4 court of Sacramento County within 90 days of the ruling. The court  
5 shall make its own independent findings on whether the department,  
6 in approving the application for certification, obtained verified  
7 evidence of postconsumer material, and may consider evidence  
8 that was not submitted to the department.

9 (g) The department may suspend or revoke a certification of a  
10 reusable grocery bag producer or supplier upon 90 days written  
11 notice if the department receives a complaint supported by  
12 substantial and credible evidence that the reusable grocery bags  
13 distributed by the producer do not comply with the requirements  
14 of Section 42281 or that the supplier is not in compliance with the  
15 information supplied in the application for certification.

16 (h) On and after January 1, 2016, the department shall publish  
17 a list on its Internet Web site that includes all of the following:

18 (1) The name, location, and contact information of all certified  
19 reusable grocery bag producers and all certified post-consumer  
20 recycled material suppliers.

21 (2) The reusable grocery bags distributed by a reusable grocery  
22 bag producer certified by the department.

23 42282. (a) Upon request by the department, a reusable grocery  
24 bag producer shall submit laboratory test results from independent,  
25 accredited (ISO/IEC 17025) laboratories to the department  
26 confirming that the reusable grocery bag meets the requirements  
27 of Section 42281 for each type of reusable grocery bag that is  
28 manufactured, imported, sold, or distributed in the state and  
29 provided to a store for sale or distribution.

30 (b) The department may test any reusable grocery bag  
31 manufactured by a reusable grocery bag producer and provided  
32 to a store for sale or distribution for compliance with this article  
33 and the regulations adopted pursuant to this article.

34 (c) The department may inspect and audit a certified reusable  
35 grocery bag producer subject to this article to ensure continuing  
36 compliance with Section 42281. All costs associated with the audit  
37 shall be paid by the reusable grocery bag producer.

38 (d) The department may enter into an agreement with other  
39 state entities that conduct inspections to provide necessary  
40 enforcement of this article.

1 42282.1. (a) A reusable grocery bag producer or supplier  
2 shall submit the fee established pursuant to subdivision (b) to the  
3 department when making an application for certification.

4 (b) The department shall establish a certification fee schedule  
5 that will generate fee revenues sufficient to cover, but not exceed,  
6 the department's reasonable costs to implement and enforce this  
7 article. The department may expend the fees collected pursuant to  
8 this section, upon appropriation by the Legislature, to carry out  
9 this article.

10 42282.2. (a) Notwithstanding Section 42285, a violation of  
11 this article shall be subject to an administrative civil penalty  
12 assessed by the department in an amount not to exceed five hundred  
13 dollars (\$500) for the first violation. A subsequent violation is  
14 subject to a penalty of up to five hundred dollars (\$500) per prior  
15 violation, not to exceed five thousand dollars (\$5,000) per  
16 violation.

17 (b) On and after January 1, 2016, a store in violation of Section  
18 42281 shall remove from the point of sale any reusable grocery  
19 bags made from polyethylene, polypropylene, or polyethylene  
20 terephthalate that were not distributed or sold by a certified  
21 reusable grocery bag producer pursuant to Section 42282 within  
22 seven days after the store receives notification of the violation.

23 42282.3. The department shall deposit all penalties collected  
24 pursuant to subdivision (a) of Section 42282.1 for a violation of  
25 this article into the Reusable Bag Account, which is hereby created  
26 in the Integrated Waste Management Fund. The moneys in the  
27 Reusable Bag Account shall be expended by the department, upon  
28 appropriation by the Legislature, to assist the department with its  
29 costs of implementing this article.

30  
31 Article 3. Single-Use Carryout Bags  
32

33 42283. (a) Except as provided in subdivisions (d) and (e), on  
34 and after July 1, 2015, a store, as defined in paragraph (1) or (2)  
35 of subdivision (g) of Section 42280, shall not provide a single-use  
36 carryout bag to a customer at the point of sale.

37 (b) (1) On and after July 1, 2015, a store shall not sell or  
38 distribute a reusable grocery bag at the point of sale except as  
39 provided in this subdivision.

1 (2) *On and after July 1, 2015, a store may make available for*  
2 *purchase at the point of sale a reusable grocery bag that meets*  
3 *the requirements of Section 42281.*

4 (3) *On and after July 1, 2015, a store that makes reusable*  
5 *grocery bags available for purchase pursuant to paragraph (2)*  
6 *shall not sell the reusable grocery bag for less than ten cents*  
7 *(\$0.10) in order to ensure that the cost of providing a reusable*  
8 *grocery bag is not subsidized by a customer who does not require*  
9 *that bag.*

10 (c) (1) *On and after July 1, 2015, a store shall not sell or*  
11 *distribute a recycled paper bag except as provided in this*  
12 *subdivision.*

13 (2) *A store may make available for purchase a recycled paper*  
14 *bag. On and after July 1, 2015, the store shall not sell a recycled*  
15 *paper bag for less than ten cents (\$0.10) in order to ensure that*  
16 *the cost of providing a recycled paper bag is not subsidized by a*  
17 *consumer who does not require that bag.*

18 (d) *Notwithstanding any other law, on and after July 1, 2015,*  
19 *a store that makes reusable grocery bags or recycled paper bags*  
20 *available for purchase at the point of sale shall provide a customer*  
21 *participating in the California Special Supplemental Food Program*  
22 *for Women, Infants, and Children pursuant to Article 2*  
23 *(commencing with Section 123275) of Chapter 1 of Part 2 of*  
24 *Division 106 of the Health and Safety Code and a customer*  
25 *participating in the Supplemental Food Program pursuant to*  
26 *Chapter 10 (commencing with Section 15500) of Part 3 of Division*  
27 *9 of the Welfare and Institutions Code with a reusable grocery*  
28 *bag or a recycled paper bag at no cost at the point of sale.*

29 (e) *On and after July 1, 2015, a store may distribute a*  
30 *compostable bag at the point of sale, if the compostable bag is*  
31 *provided to the consumer at the cost specified pursuant to*  
32 *paragraph (2), the compostable bag, at a minimum, meets the*  
33 *American Society for Testing and Materials (ASTM) Standard*  
34 *Specification for Compostable Plastics D6400, and in the*  
35 *jurisdiction where the compostable bag is sold and in the*  
36 *jurisdiction where the store is located, both of the following*  
37 *requirements are met:*

38 (1) *A majority of the residential households in the jurisdiction*  
39 *have access to curbside collection of foodwaste for composting.*

1 (2) *The governing authority for the jurisdiction has voted to*  
2 *allow stores in the jurisdiction to sell to a consumers at the point*  
3 *of sale a compostable bag at a cost not less than the actual cost*  
4 *of the bag, which the Legislature hereby finds to be not less than*  
5 *ten cents (\$0.10) per bag.*

6 (f) *A store shall not require a customer to use, purchase, or*  
7 *accept a single-use carryout bag, recycled paper bag, compostable*  
8 *bag, or reusable grocery bag as a condition of sale of any product.*

9 42283.5. *On and after July 1, 2016, a store, as defined in*  
10 *paragraph (3) or (4) of subdivision (g) of Section 42280, shall*  
11 *comply with the same requirements of Section 42283 that are*  
12 *imposed upon a store, as defined in paragraph (1) or (2) of*  
13 *subdivision (g) of Section 42880.*

14 42283.6. *The operator of a store, as defined in paragraph (1)*  
15 *or (2) of subdivision (g) of Section 42280 shall, in addition to*  
16 *complying with the requirements of Chapter 5.1 (commencing with*  
17 *Section 42250), establish an at-store recycling program that*  
18 *provides an opportunity for customers to return to the store a clean*  
19 *polyethylene, polypropylene, or polyethylene terephthalate bag,*  
20 *including, but not limited to, a single-use carryout bag or a*  
21 *reusable grocery bag. The at-store recycling program shall include*  
22 *all of the following:*

23 (a) *Any polyethylene, polypropylene, and polyethylene*  
24 *terephthalate bag provided by the store shall have printed or*  
25 *displayed on the bag or on a tag, in a manner visible to a*  
26 *consumer, and in compliance with Section 42281, the words*  
27 *“PLEASE RETURN TO A PARTICIPATING STORE FOR*  
28 *RECYCLING.”*

29 (b) *A collection bin shall be placed at each store and shall be*  
30 *visible, easily accessible to the consumer, and clearly marked that*  
31 *the collection bin is available for the purpose of collecting and*  
32 *recycling a polyethylene, polypropylene, or polyethylene*  
33 *terephthalate bag.*

34 (c) *All polyethylene, polypropylene, or polyethylene*  
35 *terephthalate bags collected by the store pursuant to this section*  
36 *shall be collected, transported, and recycled in a manner that does*  
37 *not conflict with the local jurisdiction’s source reduction and*  
38 *recycling element, pursuant to Chapter 2 (commencing with Section*  
39 *41000) and Chapter 3 (commencing with Section 41300) of Part*  
40 *2.*

1 (d) A retail establishment that elects to comply with this chapter  
2 pursuant to paragraph (5) of subdivision (g) of Section 42280 shall  
3 establish an at-store recycling program in accordance with this  
4 section.

5 42284. The department may establish a registration fee to be  
6 paid by a retail establishment that elects to comply with the  
7 requirements imposed pursuant to this chapter upon a store  
8 pursuant to paragraph (5) of subdivision (g) of Section 42280.  
9 The department shall set the amount of the fee in an amount that  
10 covers the costs to the department to regulate the fee payer's  
11 compliance with this chapter. The department may expend the fees  
12 pursuant to this section, upon appropriation by the Legislature,  
13 to carry out that regulatory authority.

14

#### 15 Article 4. Enforcement

16

17 42285. (a) Except as provided in Section 42282.2, a city, a  
18 county, a city and county, or the state may impose civil liability in  
19 the amount of five hundred dollars (\$500) for the first violation of  
20 this chapter; one thousand dollars (\$1,000) for the second  
21 violation, and two thousand dollars (\$2,000) for the third and  
22 subsequent violations.

23 (b) Any civil penalties collected pursuant to subdivision (a)  
24 shall be paid to the office of the city attorney, city prosecutor,  
25 district attorney, or Attorney General, whichever office brought  
26 the action. The penalties collected pursuant to this section by the  
27 Attorney General may be expended by the Attorney General, upon  
28 appropriation by the Legislature, to enforce this chapter.

29 (c) The remedies provided by this section shall not be exclusive  
30 and shall be in addition to the remedies that may be available  
31 pursuant to Chapter 5 (commencing with Section 17200) of Part  
32 2 of Division 7 of the Business and Professions Code.

33

#### 34 Article 5. Preemption

35

36 42287. (a) Except as provided in subdivision (c), this chapter  
37 is a matter of statewide interest and concern and is applicable  
38 uniformly throughout the state. Accordingly, this chapter occupies  
39 the whole field of regulation of reusable grocery bags, single-use  
40 carryout bags, and recycled paper bags, as defined in this chapter.

1 (b) On and after January 1, 2015, a city, county, or other local  
2 public agency shall not enforce, or otherwise implement, an  
3 ordinance, resolution, regulation, or rule adopted on or after  
4 September 1, 2014, relating to reusable grocery bags, single-use  
5 carryout bags, or recycled paper bags, against a store, as defined  
6 in this chapter, unless expressly authorized by this chapter.

7 (c) A city, county, or other local public agency that has adopted,  
8 prior to September 1, 2014, an ordinance, resolution, regulation,  
9 or rule relating to reusable grocery bags, single-use carryout bags,  
10 or recycled paper bags may continue to enforce and implement  
11 that ordinance, resolution, regulation, or rule that was in effect  
12 before that date. Any amendments to that ordinance, resolution,  
13 regulation, or rule on or after January 1, 2015, shall be subject  
14 to subdivision (b), except any city, county, or other local public  
15 agency may adopt or amend an ordinance, resolution, regulation,  
16 or rule with regard to the amount that a store shall charge with  
17 regard to a recycled paper bag, compostable bag, or reusable  
18 grocery bag.

19  
20 Article 6. Financial Provisions  
21

22 42288. (a) Notwithstanding Section 42023.2, the sum of two  
23 million dollars (\$2,000,000) is hereby appropriated from the  
24 Recycling Market Development Revolving Loan Subaccount in the  
25 Integrated Waste Management Account to the department for the  
26 purposes of providing loans and grants for the creation and  
27 retention of jobs and economic activity in this state for the  
28 manufacture and recycling of plastic reusable grocery bags that  
29 use recycled content, including postconsumer recycled material.

30 (b) The department shall expend the funds appropriated  
31 pursuant to this section to provide loans and grants for both of  
32 the following:

33 (1) Development and conversion of machinery and facilities for  
34 the manufacture of single-use plastic bags into machinery and  
35 facilities for the manufacturer of durable reusable grocery bags  
36 that, at a minimum, meet the requirements of Section 42281.

37 (2) Development of equipment for the manufacture of reusable  
38 grocery bags, that, at a minimum, meet the requirements of Section  
39 42281.

1 (c) A recipient of a grant authorized by this section shall agree,  
2 as a condition of receiving a grant, to retain and retrain existing  
3 employees for the manufacturing of reusable grocery bags that,  
4 at a minimum, meet the requirements of Section 42281.

5 SECTION 1. Section 106.5 is added to the Labor Code, to  
6 read:

7 106.5. ~~Agencies participating in the Joint Enforcement Strike~~  
8 ~~Force, established pursuant to Section 329 of the Unemployment~~  
9 ~~Insurance Code, and the Labor Enforcement Task Force,~~  
10 ~~established by the department, shall, to the degree feasible,~~  
11 ~~coordinate their law enforcement activities and shall exchange~~  
12 ~~information to better facilitate their law enforcement activities.~~