

AMENDED IN ASSEMBLY MARCH 27, 2014

AMENDED IN ASSEMBLY FEBRUARY 6, 2014

SENATE BILL

No. 270

Introduced by Senators Padilla, De León, and Lara

February 14, 2013

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. 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~~ *those stores* 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~~ *those stores*, 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 department to post on its Internet Web site, organized by county, the name and physical location of each retail establishment that has elected to comply with these requirements.*

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 space and a retail establishment that voluntarily complies with the requirements of this bill to comply with both the 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 at-store recycling program requirements and the requirements of this bill.~~

The bill would ~~require certain stores selling a reusable grocery bag require,~~ on and after July 1, 2015, a reusable grocery bag sold by certain stores to a customer at the point of sale *to be made by a certified reusable grocery bag producer and 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 reusable plastic film 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 reusable plastic film~~ 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~~ *a 3rd-party certification entity, as specified, and would require a supplier of postconsumer recycled material to the reusable grocery bag producer to be certified by a 3rd-party certification entity.* 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~~ *a reusable grocery bag producer and a supplier of postconsumer recycled material to a producer to provide proof of certification to the department. The bill would require the department to provide a system to receive proofs of certification online.*

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~~ *suppliers*, reusable grocery bags that comply with the requirements of the ~~bill~~ *bill, and 3rd-party certification entities recognized by the department.* The bill would require the department to establish a certification fee schedule to cover the department's costs to implement these *certification* requirements, which a reusable grocery bag producer or supplier ~~applying for certification would be required to pay~~ *providing proof to the department of 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. *The bill would authorize a person to object to a certification of a reusable grocery bag producer or supplier of postconsumer recycled material and would authorize a person to file an action for review of that certification in the superior court of a county that has jurisdiction over the reusable grocery bag producer or supplier.*

~~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~~ *on a person or entity that knows or reasonably should have known it is in violation of the bill's requirements, except as specified requirements.* 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 *provided by a store* and would prohibit a local public agency from enforcing or implementing an ordinance, resolution, regulation, or rule, *or any amendment thereto*, 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~~ *the* local public agency to adopt or amend an ordinance, resolution, regulation, or rule ~~setting a~~ *increasing the* price for a recycled paper bag, compostable bag, or reusable grocery bag *to no less than a specified amount*.

(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.

Vote: majority. Appropriation: 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, to
3 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.

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

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

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

24 (2) Is accepted for recycling in curbside programs in a majority
25 of households that have access to curbside recycling programs in
26 the state.

27 (3) Has printed on the bag the name of the manufacturer, the
28 country where the bag was manufactured, and the minimum
29 percentage of postconsumer content.

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

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

35 (A) Manufactures reusable grocery bags for sale or distribution
36 to a store.

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

- 1 (C) Sells or distributes reusable bags to a store.
- 2 (2) “Reusable grocery bag producer” does not include a store,
- 3 with regard to a reusable grocery bag for which there is a
- 4 manufacturer or importer, as specified in subparagraph (A) or (B)
- 5 of paragraph (1).
- 6 (f) *“Reusable plastic film” means a continuous sheet of*
- 7 *polyethylene with a thickness of not less than 2.25 mils measured*
- 8 *according to American Society of Testing and Materials (ASTM)*
- 9 *Standard D6988, or an alternative methodology approved by the*
- 10 *department.*
- 11 ~~(f)~~
- 12 (g) (1) “Single-use carryout bag” means a bag made of plastic,
- 13 paper, or other material that is provided by a store to a customer
- 14 at the point of sale and that is not a recycled paper bag or a reusable
- 15 grocery bag that meets the requirements of Section 42281.
- 16 (2) A single-use carryout bag does not include either of the
- 17 following:
- 18 (A) A bag provided by a pharmacy pursuant to Chapter 9
- 19 (commencing with Section 4000) of Division 2 of the Business
- 20 and Professions Code to a customer purchasing a prescription
- 21 medication.
- 22 (B) A nonhandled bag used to protect a purchased item from
- 23 damaging or contaminating other purchased items when placed in
- 24 a recycled paper bag, a reusable grocery bag, or a compostable
- 25 plastic bag.
- 26 (C) *A bag provided to contain an unwrapped food item.*
- 27 (D) *A nonhandled bag that is designed to be placed over articles*
- 28 *of clothing on a hanger.*
- 29 ~~(g)~~
- 30 (h) “Store” means a retail establishment that meets any of the
- 31 following requirements:
- 32 (1) A full-line, self-service retail store with gross annual sales
- 33 of two million dollars (\$2,000,000) or more that sells a line of dry
- 34 groceries, canned goods, or nonfood items, and some perishable
- 35 items.
- 36 (2) Has at least 10,000 square feet of retail space that generates
- 37 sales or use tax pursuant to the Bradley-Burns Uniform Local Sales
- 38 and Use Tax Law (Part 1.5 (commencing with Section 7200) of
- 39 Division 2 of the Revenue and Taxation Code) and has a pharmacy

1 licensed pursuant to Chapter 9 (commencing with Section 4000)
2 of Division 2 of the Business and Professions Code.

3 (3) Is a convenience food store, foodmart, or other entity that
4 is engaged in the retail sale of a limited line of goods, generally
5 including milk, bread, soda, and snack foods, and that holds a Type
6 20 or Type 21 license issued by the Department of Alcoholic
7 Beverage Control.

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

12 (5) Is not otherwise subject to paragraph (1), (2), (3), or (4), if
13 the retail establishment voluntarily agrees to comply with the
14 requirements imposed upon a store pursuant to this chapter, notifies
15 the department of its intent to comply with the requirements
16 imposed upon a store pursuant to this chapter, and ~~pays~~
17 ~~the registration fee that may be~~ *complies with the requirements*
18 established pursuant to Section 42284.

19

20 Article 2. Reusable Grocery Bags

21

22 42281. (a) On and after July 1, 2015, a store, as defined in
23 paragraph (1) or (2) of subdivision ~~(g)~~ (h) of Section 42280, may
24 sell or distribute a reusable grocery bag to a customer at the point
25 of sale only if the reusable bag ~~meets~~ *is made by a producer*
26 *certified pursuant to this article and meets* all of the following
27 requirements:

28 (1) Has a handle and is designed for at least 125 ~~uses~~. ~~A bag~~
29 ~~satisfies this minimum use requirement if the bag is capable of~~
30 ~~carrying two full, one-gallon milk jugs for 125 uses and meets~~
31 ~~either of the following requirements:~~

32 (A) ~~If the bag is made of polyethylene, polypropylene, or~~
33 ~~polyethylene terephthalate, the bag has a minimum thickness of~~
34 ~~at least 2.25 mils.~~

35 (B) ~~If the bag is made of a woven or nonwoven polymer or~~
36 ~~fiber, the bag has a minimum fabric weight of at least 80 grams~~
37 ~~per square meter.~~ *uses, as provided in this article.*

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

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

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

4 (A) The name of the manufacturer.

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

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

8 (D) ~~Instructions~~*If the bag is eligible for recycling in the state,*
9 *instructions to return the bag to the store for recycling or to another*
10 *appropriate recycling location, if applicable location. If recyclable*
11 *in the state, the bag shall include the chasing arrows recycling*
12 *symbol or the term “recyclable,” consistent with the Federal Trade*
13 *Commission guidelines use of that term, as updated.*

14 (5) Does not contain lead, cadmium, or any other heavy metal
15 in toxic amounts. This requirement shall not affect any authority
16 of the Department of Toxic Substances Control pursuant to Article
17 14 (commencing with Section 25251) of Chapter 6.5 of Division
18 20 of the Health and Safety Code and, notwithstanding subdivision
19 (c) of Section 25257.1 of the Health and Safety Code, the reusable
20 grocery bag shall not be considered as a product category already
21 regulated or subject to regulation.

22 (6) Complies with Section 260.12 of Part 260 of Title 16 of the
23 Code of Federal Regulations related to recyclable claims if the
24 reusable grocery bag producer makes a claim that the reusable
25 grocery bag is recyclable.

26 (b) (1) In addition to the requirements in subdivision (a), a
27 reusable grocery bag made from ~~plastic, including sheet, woven,~~
28 ~~or nonwoven plastic,~~ *reusable plastic film* shall meet all of the
29 following requirements:

30 ~~(1)~~

31 (A) On and after January 1, 2016, *it shall* be made from a
32 minimum of 20 percent postconsumer recycled ~~material,~~ *material.*

33 ~~(2)~~

34 (B) On and after January 1, 2020, *it shall* be made from a
35 minimum of 40 percent postconsumer recycled material.

36 ~~(3) All postconsumer recycled material shall be cleaned using~~
37 ~~washing equipment specifically designed for that purpose.~~

38 (C) *It shall be recyclable in this state, and accepted for return*
39 *at stores subject to the at-store recycling program (Chapter 5.1*
40 *(commencing with Section 42250)) for recycling.*

1 ~~(4)~~

2 (D) ~~It shall have, in addition to the information required to~~
3 be printed on the bag or on a tag, pursuant to paragraph (4) of
4 subdivision (a), a statement that the bag is made partly or wholly
5 from postconsumer *recycled* material, as applicable, ~~as well as and~~
6 stating the *applicable* percentage.

7 (E) *It shall be capable of carrying 22 pounds for 125 uses or*
8 *more and be at least 2.25 mils thick.*

9 (2) *A reusable grocery bag made from reusable plastic film that*
10 *meets the specifications of the American Society of Testing and*
11 *Materials (ASTM) International Standard Specification for*
12 *Compostable Plastics D6400, as updated, is not required to meet*
13 *the requirements of subparagraph (A) or (B) of paragraph (1), but*
14 *shall be labeled in accordance with the applicable state law*
15 *regarding compostable plastics.*

16 (c) *In addition to the requirements of subdivision (a), a reusable*
17 *grocery bag that is not made of reusable plastic film and that is*
18 *made from any other natural or synthetic fabric, including, but*
19 *not limited to, woven or nonwoven nylon, polypropylene,*
20 *polyethylene-terephthalate, or Tyvek, shall satisfy all of the*
21 *following:*

22 (1) *It shall be sewn.*

23 (2) *It shall be capable of carrying 22 pounds 125 times over a*
24 *distance of 175 feet.*

25 (3) *It shall have a minimum fabric weight of at least 80 grams*
26 *per square meter.*

27 ~~(e) A plastic reusable grocery bag that also meets the~~
28 ~~specifications of the American Society of Testing and Materials~~
29 ~~(ASTM) Standard Specification for Compostable Plastics D6400,~~
30 ~~as published in September 2004, is not required to meet the~~
31 ~~requirements of paragraph (1) or (2) of subdivision (b), but shall~~
32 ~~be labeled in accordance with the applicable state law regarding~~
33 ~~compostable plastics.~~

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

37 42281.5. (a) On and after January 1, 2016, a producer of
38 polyethylene, polypropylene, or polyethylene terephthalate reusable
39 grocery bags *made from reusable plastic film* shall not sell or
40 distribute a reusable grocery bag in this state unless the producer

1 is certified by the department pursuant to this section. Certification
2 shall require that the reusable grocery bags sold by the producer
3 comply with the requirements of Section 42281. The application
4 for certification submitted by the producer shall verify the
5 incorporation of cleaned postconsumer recycled material into bags,
6 as required by paragraphs (1), (2), and (3) of subdivision (b) of
7 Section 42281, and by a third-party certification entity pursuant
8 to Section 42282. A producer shall provide proof of certification
9 to the department demonstrating that the reusable grocery bags
10 produced by the producer comply with the provisions of this article.

11 *The proof of certification shall include all of the following:*

12 (1) Names, locations, and contact information of all sources of
13 *postconsumer recycled material* and suppliers of postconsumer
14 recycled material. ~~Except as provided in subdivision (e), the~~
15 ~~supplier shall be certified by the department as a post-consumer~~
16 ~~recycled material supplier that have been certified pursuant to~~
17 ~~subdivision (b) Section 42282.~~

18 (2) Quantity and dates of postconsumer recycled material
19 purchases by the reusable *grocery bag* producer.

20 (3) Any other information that the department may require to
21 enable verification of the information provided in the ~~application~~
22 *proof of certification.*

23 (b) A supplier of *postconsumer recycled material* to a *reusable*
24 *grocery bag* producer ~~of polyethylene, polypropylene, or~~
25 ~~polyethylene terephthalate reusable grocery bags may apply to the~~
26 ~~department for certification as a supplier of material. The~~
27 ~~application for certification shall verify shall be certified pursuant~~
28 ~~to Section 42282 and shall provide information regarding the~~
29 ~~methods of collecting and processing the postconsumer recycled~~
30 ~~material, including material to a third-party certification entity.~~

31 *The information shall include all of the following:*

32 (1) How the postconsumer *recycled material* is obtained.

33 (2) ~~Washing equipment, including~~ *Information demonstrating*
34 *that all postconsumer recycled material is cleaned using washing*
35 *equipment specifically designed for that purpose, including the*
36 *name of the maker, model, description, photographs, and exact*
37 *locations of the equipment.*

38 (3) Any other information that the department *or certification*
39 *entity* may require to enable verification of the information
40 ~~provided in the application by the supplier.~~

1 ~~(e) If a reusable grocery bag producer obtains postconsumer~~
2 ~~recycled material without an intermediate supplier, the reusable~~
3 ~~grocery bag producer is not required to provide, in its application,~~
4 ~~the information regarding the certification of a supplier pursuant~~
5 ~~to subdivision (b), but shall provide the department with the same~~
6 ~~information otherwise required under paragraphs (1) to (3),~~
7 ~~inclusive, of subdivision (b).~~

8 ~~(d) The department shall provide a system to submit applications~~
9 ~~for certification online.~~

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

20 ~~(f) (1) A person may object to a proposed approval of a~~
21 ~~certification on the grounds that the application for certification~~
22 ~~of the reusable grocery bag producer or supplier did not comply~~
23 ~~with the requirements imposed pursuant to this section, including~~
24 ~~the verification of postconsumer recycled material, by submitting~~
25 ~~a written request to the department.~~

26 ~~(2) Upon receiving a written request pursuant to paragraph (1),~~
27 ~~the department shall hold a public hearing before approving the~~
28 ~~application.~~

29 ~~(3) After holding a hearing pursuant to paragraph (2), the~~
30 ~~department shall issue a written ruling on the application, stating~~
31 ~~its reasons and fully explaining its response to any objections in~~
32 ~~the written request.~~

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

1 ~~(g) The department may suspend or revoke a certification of a~~
2 ~~reusable grocery bag producer or supplier upon 90 days written~~
3 ~~notice if the department receives a complaint supported by~~
4 ~~substantial and credible evidence that the reusable grocery bags~~
5 ~~distributed by the producer do not comply with the requirements~~
6 ~~of Section 42281 or that the supplier is not in compliance with the~~
7 ~~information supplied in the application for certification.~~

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

10 ~~(1) The name, location, and contact information of all certified~~
11 ~~reusable grocery bag producers and all certified post-consumer~~
12 ~~recycled material suppliers.~~

13 ~~(2) The reusable grocery bags distributed by a reusable grocery~~
14 ~~bag producer certified by the department.~~

15 ~~42282. (a) Upon request by the department, a~~ *On a schedule*
16 *and in a manner determined by the department, a reusable grocery*
17 *bag producer and a supplier of postconsumer recycled material*
18 *shall provide to the department proof of certification conducted*
19 *by a third-party certification entity for each type of reusable*
20 *grocery bag that is manufactured, imported, sold, or distributed*
21 *in the state and provided to a store for sale or distribution, at the*
22 *point of sale, that meets all the applicable requirements of this*
23 *article. The proof of certification shall be accompanied by a*
24 *certification fee, established pursuant to Section 42282.1.*

25 ~~(b) A third-party certification entity shall be an independent,~~
26 ~~accredited (ISO/IEC 17025) laboratory that is recognized by the~~
27 ~~department.~~

28 ~~(c) For a reusable grocery bag producer, a third-party~~
29 ~~certification entity shall certify that the producer's reusable~~
30 ~~grocery bags meet the minimum 125-use requirement using one~~
31 ~~of the following standards:~~

32 ~~(1) The EcoLogo ATP-001 standards for durability, as those~~
33 ~~standards existed on November 7, 1995.~~

34 ~~(2) For a reusable grocery bag made from reusable plastic film,~~
35 ~~the Reusable Bag Test Method, developed by Dr. Joseph Greene~~
36 ~~of the California State University, Chico, as that test method existed~~
37 ~~on April 17, 2012.~~

38 ~~(3) An alternative compliance methodology approved by the~~
39 ~~department.~~

1 (d) For a supplier of postconsumer recycled content, a
2 third-party certification entity shall certify that the supplier has
3 complied with subdivision (b) of Section 42281.5.

4 (e) The department shall provide a system to receive proofs of
5 certification online.

6 (f) On and after July 1, 2016, the department shall publish a
7 list on its Internet Web site that includes all of the following:

8 (1) The name, location, and appropriate contact information
9 of certified reusable grocery bag producers.

10 (2) The reusable grocery bags that are in compliance with this
11 article.

12 (3) A list of third-party certification entities that are recognized
13 by the department, including the Department of Mechanical and
14 Mechatronic Engineering and Sustainable Manufacturing of the
15 California State University, Chico, which shall be recognized as
16 a third-party certification entity.

17 (4) A list of certified suppliers of postconsumer recycled
18 material.

19 (g) A reusable grocery bag producer shall submit laboratory test
20 results from independent, accredited (ISO/IEC 17025) laboratories
21 to the department confirming that the reusable grocery bag meets
22 the requirements of ~~Section 42281~~ this article for each type of
23 reusable grocery bag that is manufactured, imported, sold, or
24 distributed in the state and provided to a store for sale or
25 distribution.

26 ~~(b)~~

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

31 ~~(e)~~

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

36 ~~(d)~~

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

1 (k) (1) A person may object to the certification of a reusable
2 grocery bag producer or a supplier of postconsumer recycled
3 material.

4 (2) The department shall accept objections pursuant to
5 paragraph (1) and other public comments and may respond to
6 these in writing.

7 (3) A person objecting to a certification pursuant to this
8 subdivision may file an action for review of that certification in
9 the superior court of a county that has jurisdiction over the
10 reusable grocery bag producer or postconsumer recycled material
11 supplier. The court may make its own independent findings on
12 whether the department, in accepting the proof of certification,
13 obtained verified evidence of compliance, and may consider
14 evidence that was not submitted to the department.

15 (l) The department may suspend or revoke a certification of a
16 reusable grocery bag producer or supplier of postconsumer
17 recycled material if the department finds there is evidence that the
18 reusable grocery bags distributed by the producer do not comply
19 with the requirements of this article, or that the supplier of
20 postconsumer recycled material does not comply with the
21 requirements of this article.

22 42282.1. (a) A reusable grocery bag producer or supplier of
23 postconsumer recycled material shall submit the fee established
24 pursuant to subdivision (b) to the department when ~~making an~~
25 ~~application for providing proof of certification pursuant to Sections~~
26 ~~42281.5 and 42282.~~

27 (b) The department shall establish a certification fee schedule
28 that will generate fee revenues sufficient to cover, but not exceed,
29 the department's reasonable costs to implement and enforce *the*
30 *certification provisions of this article*. The department may expend
31 the fees collected pursuant to this section, upon appropriation by
32 the Legislature, to carry out this article.

33 ~~42282.2. (a) Notwithstanding Section 42285, a violation of~~
34 ~~this article shall be subject to an administrative civil penalty~~
35 ~~assessed by the department in an amount not to exceed five hundred~~
36 ~~dollars (\$500) for the first violation. A subsequent violation is~~
37 ~~subject to a penalty of up to five hundred dollars (\$500) per prior~~
38 ~~violation, not to exceed five thousand dollars (\$5,000) per violation.~~

39 ~~(b) On and after January 1, 2016, a store in violation of Section~~
40 ~~42281 shall remove from the point of sale any reusable grocery~~

1 ~~bags made from polyethylene, polypropylene, or polyethylene~~
2 ~~terephthalate that were not distributed or sold by a certified reusable~~
3 ~~grocery bag producer pursuant to Section 42282 within seven days~~
4 ~~after the store receives notification of the violation.~~

5 ~~42282.3. The department shall deposit all penalties collected~~
6 ~~pursuant to subdivision (a) of Section 42282.1 for a violation of~~
7 ~~this article into the Reusable Bag Account, which is hereby created~~
8 ~~in the Integrated Waste Management Fund. The moneys in the~~
9 ~~Reusable Bag Account shall be expended by the department, upon~~
10 ~~appropriation by the Legislature, to assist the department with its~~
11 ~~costs of implementing this article.~~

12
13 Article 3. Single-Use Carryout Bags

14
15 42283. (a) Except as provided in ~~subdivisions (d) and~~
16 ~~subdivision (e)~~, on and after July 1, 2015, a store, as defined in
17 paragraph (1) or (2) of subdivision ~~(g)~~ (h) of Section 42280, shall
18 not provide a single-use carryout bag to a customer at the point of
19 sale.

20 (b) (1) On and after July 1, 2015, a ~~store~~ *store, as defined in*
21 *paragraph (1) or (2) of subdivision (h) of Section 42280*, shall not
22 sell or distribute a reusable grocery bag at the point of sale except
23 as provided in this subdivision.

24 (2) On and after July 1, 2015, a ~~store~~ *store, as defined in*
25 *paragraph (1) or (2) of subdivision (h) of Section 42280*, may
26 make available for purchase at the point of sale a reusable grocery
27 bag that meets the requirements of Section 42281.

28 (3) On and after July 1, 2015, a ~~store~~ *store, as defined in*
29 *paragraph (1) or (2) of subdivision (h) of Section 42280*, that makes
30 reusable grocery bags available for purchase pursuant to paragraph
31 (2) shall not sell the reusable grocery bag for less than ten cents
32 (\$0.10) in order to ensure that the cost of providing a reusable
33 grocery bag is not subsidized by a customer who does not require
34 that bag.

35 (c) (1) On and after July 1, 2015, a ~~store~~ *store, as defined in*
36 *paragraph (1) or (2) of subdivision (h) of Section 42280*, shall not
37 sell or distribute a recycled paper bag except as provided in this
38 subdivision.

39 (2) A ~~store~~ *store, as defined in paragraph (1) or (2) of*
40 *subdivision (h) of Section 42280*, may make available for purchase

1 a recycled paper bag. On and after July 1, 2015, the store shall not
2 sell a recycled paper bag for less than ten cents (\$0.10) in order to
3 ensure that the cost of providing a recycled paper bag is not
4 subsidized by a consumer who does not require that bag.

5 (d) Notwithstanding any other law, on and after July 1, 2015,
6 ~~a store~~ *store, as defined in paragraph (1) or (2) of subdivision (h)*
7 *of Section 42280*, that makes reusable grocery bags or recycled
8 paper bags available for purchase at the point of sale shall provide
9 a customer participating in the California Special Supplemental
10 Food Program for Women, Infants, and Children pursuant to
11 Article 2 (commencing with Section 123275) of Chapter 1 of Part
12 2 of Division 106 of the Health and Safety Code and a customer
13 participating in the Supplemental Food Program pursuant to
14 Chapter 10 (commencing with Section 15500) of Part 3 of Division
15 9 of the Welfare and Institutions Code with a reusable grocery bag
16 or a recycled paper bag at no cost at the point of sale.

17 (e) On and after July 1, 2015, ~~a store~~ *store, as defined in*
18 *paragraph (1) or (2) of subdivision (h) of Section 42280*, may
19 distribute a compostable bag at the point of sale, if the compostable
20 bag is provided to the consumer at the cost specified pursuant to
21 paragraph (2), the compostable bag, at a minimum, meets the
22 American Society for Testing and Materials (ASTM) *International*
23 *Standard Specification for Compostable Plastics D6400, as*
24 *updated*, and in the jurisdiction where the compostable bag is sold
25 and in the jurisdiction where the store is located, both of the
26 following requirements are met:

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

29 (2) The governing authority for the jurisdiction has voted to
30 allow stores in the jurisdiction to sell to ~~a~~ consumers at the point
31 of sale a compostable bag at a cost not less than the actual cost of
32 the bag, which the Legislature hereby finds to be not less than ten
33 cents (\$0.10) per bag.

34 (f) ~~A store~~ *store, as defined in paragraph (1) or (2) of*
35 *subdivision (h) of Section 42280*, shall not require a customer to
36 use, purchase, or accept a single-use carryout bag, recycled paper
37 bag, compostable bag, or reusable grocery bag as a condition of
38 sale of any product.

39 42283.5. On and after July 1, 2016, a store, as defined in
40 paragraph (3) or (4) of subdivision ~~(g)~~ *(h)* of Section 42280, shall

1 comply with the same requirements of Section 42283 that are
2 imposed upon a store, as defined in paragraph (1) or (2) of
3 subdivision ~~(g)~~ (h) of Section ~~42880~~. 42280.

4 42283.6. (a) The operator of a store, as defined in paragraph
5 (1) or (2) of subdivision ~~(g)~~ (h) of Section 42280 shall, in addition
6 to complying with the requirements of Chapter 5.1 (commencing
7 with Section 42250), establish an at-store recycling program that
8 provides an opportunity for customers to return to the store a clean
9 polyethylene, polypropylene, or polyethylene terephthalate bag,
10 including, but not limited to, a single-use carryout bag or a reusable
11 grocery bag. The at-store recycling program shall include all of
12 the following: 42280, shall be subject to the provisions of both the
13 at-store recycling program (Chapter 5.1 (commencing with Section
14 42250)) and the provisions of this chapter.

15 (b) A store that voluntarily agrees to comply with the provisions
16 of this article pursuant to subdivision (h) of Section 42280, shall
17 also comply with the provisions of the at-store recycling program
18 (Chapter 5.1 (commencing with Section 42250)).

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

24 (b) A collection bin shall be placed at each store and shall be
25 visible, easily accessible to the consumer, and clearly marked that
26 the collection bin is available for the purpose of collecting and
27 recycling a polyethylene, polypropylene, or polyethylene
28 terephthalate bag.

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

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

1 ~~42284. The department may establish a registration fee to be~~
 2 ~~paid by a retail establishment that elects to comply with the~~
 3 ~~requirements imposed pursuant to this chapter upon a store~~
 4 ~~pursuant to paragraph (5) of subdivision (g) of Section 42280. The~~
 5 ~~department shall set the amount of the fee in an amount that covers~~
 6 ~~the costs to the department to regulate the fee payer's compliance~~
 7 ~~with this chapter. The department may expend the fees pursuant~~
 8 ~~to this section, upon appropriation by the Legislature, to carry out~~
 9 ~~that regulatory authority.~~

10 *42284. (a) A retail establishment not specifically required to*
 11 *comply with the requirements of this chapter is encouraged to*
 12 *reduce its distribution of single-use plastic carryout bags.*

13 *(b) Pursuant to the provisions of subdivision (h) of Section*
 14 *42280, any retail establishment that is not a "store," that provides*
 15 *the department with the written notice as specified in subdivision*
 16 *(c), shall be regulated as a "store" for the purposes of this chapter.*

17 *(c) The written notice shall be dated and signed by an authorized*
 18 *representative of the retail establishment, and shall include the*
 19 *name and physical address of all retail locations covered by the*
 20 *notice. The department shall acknowledge receipt of the notice in*
 21 *writing and shall specify the date the retail establishment will be*
 22 *regulated as a "store," which shall not be less than 30 days after*
 23 *the date of the department's acknowledgment. The department*
 24 *shall post on its Internet Web site, organized by county, the name*
 25 *and physical location or locations of each retail establishment*
 26 *that has elected to be regulated as a "store."*

27
 28 Article 4. Enforcement
 29

30 ~~42285. (a) Except as provided in Section 42282.2, a~~ A city, a
 31 county, a city and county, or the state may impose civil liability
 32 ~~on a person or entity that knowingly violated this chapter, or~~
 33 ~~reasonably should have known that it violated this chapter, in the~~
 34 amount of five hundred dollars (\$500) for the first violation of this
 35 chapter, one thousand dollars (\$1,000) for the second violation,
 36 and two thousand dollars (\$2,000) for the third and subsequent
 37 violations.

38 (b) Any civil penalties collected pursuant to subdivision (a)
 39 shall be paid to the office of the city attorney, city prosecutor,
 40 district attorney, or Attorney General, whichever office brought

1 the action. The penalties collected pursuant to this section by the
2 Attorney General may be expended by the Attorney General, upon
3 appropriation by the Legislature, to enforce this chapter.

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

8
9 Article 5. Preemption

10
11 42287. (a) Except as provided in subdivision (c), this chapter
12 is a matter of statewide interest and concern and is applicable
13 uniformly throughout the state. Accordingly, this chapter occupies
14 the whole field of regulation of reusable grocery bags, single-use
15 carryout bags, and recycled paper bags, as defined in this ~~chapter.~~
16 *chapter, provided by a store, as defined in this chapter.*

17 (b) On and after January 1, 2015, a city, county, or other local
18 public agency shall not enforce, or otherwise implement, an
19 ordinance, resolution, regulation, or rule, *or any amendment*
20 *thereto*, adopted on or after September 1, 2014, relating to reusable
21 grocery bags, single-use carryout bags, or recycled paper bags,
22 against a store, as defined in this chapter, unless expressly
23 authorized by this chapter.

24 (c) A city, county, or other local public agency that has adopted,
25 prior to September 1, 2014, an ordinance, resolution, regulation,
26 or rule relating to reusable grocery bags, single-use carryout bags,
27 or recycled paper bags may continue to enforce and implement
28 that ordinance, resolution, regulation, or rule that was in effect
29 before that date. Any amendments to that ordinance, resolution,
30 regulation, or rule on or after January 1, 2015, shall be subject to
31 subdivision (b), except ~~any~~ *the* city, county, or other local public
32 agency may adopt or amend an ordinance, resolution, regulation,
33 or rule ~~with regard to~~ *increase* the amount that a store shall charge
34 with regard to a recycled paper bag, compostable bag, or reusable
35 grocery bag *to no less than the amount specified in Section 42283.*

36
37 Article 6. Financial Provisions

38
39 42288. (a) Notwithstanding Section 42023.2, the sum of two
40 million dollars (\$2,000,000) is hereby appropriated from the

1 Recycling Market Development Revolving Loan Subaccount in
 2 the Integrated Waste Management Account to the department for
 3 the purposes of providing loans and grants for the creation and
 4 retention of jobs and economic activity in this state for the
 5 manufacture and recycling of plastic reusable grocery bags that
 6 use recycled content, including postconsumer recycled material.

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

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

13 (2) Development of equipment for the manufacture of reusable
 14 grocery bags, that, at a minimum, meet the requirements of Section
 15 42281.

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

20

21

22 CORRECTIONS:

23 Text—Pages 8, 9, 12, 13, and 18.

24
