

AMENDED IN ASSEMBLY MAY 20, 2014  
AMENDED IN ASSEMBLY MARCH 27, 2014  
AMENDED IN ASSEMBLY FEBRUARY 6, 2014

**SENATE BILL**

**No. 270**

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

February 14, 2013

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

The bill would 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 ~~reusable~~ plastic film from selling or distributing those bags on and after January 1, 2016, unless the producer is certified by 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~~ *specified*. The bill would require 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~~ *producers*, reusable grocery bags that comply with the requirements of the bill, and 3rd-party certification ~~entities recognized by the department~~ *entities*. 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~~ 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~~ *producer*.

The bill would allow a city, county, or city and county, or the state to impose civil penalties on a person or entity that knows or reasonably should have known it is in violation of the bill's 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 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, except as provided. 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 the local public agency to adopt or amend an ordinance, resolution, regulation, or rule 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~~ *an unspecified fund that excludes sources of revenues that are General Fund moneys for purposes of the California Constitution* 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 *or loan* to agree, as a condition of receiving a grant *or loan*, 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.

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

4 (3) Has printed on the bag the name of the manufacturer, the  
5 country where the bag was manufactured, and the minimum  
6 percentage of postconsumer content.

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

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

12 (A) Manufactures reusable grocery bags for sale or distribution  
13 to a store.

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

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

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

21 ~~(f) “Reusable plastic film” means a continuous sheet of~~  
22 ~~polyethylene with a thickness of not less than 2.25 mils measured~~  
23 ~~according to American Society of Testing and Materials (ASTM)~~  
24 ~~Standard D6988, or an alternative methodology approved by the~~  
25 ~~department.~~

26 ~~(g)~~

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

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

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

37 (B) A nonhandled bag used to protect a purchased item from  
38 damaging or contaminating other purchased items when placed in  
39 a recycled paper bag, a reusable grocery bag, or a compostable  
40 plastic bag.

- 1 (C) A bag provided to contain an unwrapped food item.
- 2 (D) A nonhandled bag that is designed to be placed over articles
- 3 of clothing on a hanger.
- 4 ~~(h)~~
- 5 (g) “Store” means a retail establishment that meets any of the
- 6 following requirements:
- 7 (1) A full-line, self-service retail store with gross annual sales
- 8 of two million dollars (\$2,000,000) or more that sells a line of dry
- 9 groceries, canned goods, or nonfood items, and some perishable
- 10 items.
- 11 (2) Has at least 10,000 square feet of retail space that generates
- 12 sales or use tax pursuant to the Bradley-Burns Uniform Local Sales
- 13 and Use Tax Law (Part 1.5 (commencing with Section 7200) of
- 14 Division 2 of the Revenue and Taxation Code) and has a pharmacy
- 15 licensed pursuant to Chapter 9 (commencing with Section 4000)
- 16 of Division 2 of the Business and Professions Code.
- 17 (3) Is a convenience food store, foodmart, or other entity that
- 18 is engaged in the retail sale of a limited line of goods, generally
- 19 including milk, bread, soda, and snack foods, and that holds a Type
- 20 20 or Type 21 license issued by the Department of Alcoholic
- 21 Beverage Control.
- 22 (4) Is a convenience food store, foodmart, or other entity that
- 23 is engaged in the retail sale of goods intended to be consumed off
- 24 the premises, and that holds a Type 20 or Type 21 license issued
- 25 by the Department of Alcoholic Beverage Control.
- 26 (5) Is not otherwise subject to paragraph (1), (2), (3), or (4), if
- 27 the retail establishment voluntarily agrees to comply with the
- 28 requirements imposed upon a store pursuant to this chapter, notifies
- 29 the department of its intent to comply with the requirements
- 30 imposed upon a store pursuant to this chapter, and complies with
- 31 the requirements established pursuant to Section 42284.

32  
33 Article 2. Reusable Grocery Bags

34  
35 42281. (a) On and after July 1, 2015, a store, as defined in  
36 paragraph (1) or (2) of subdivision~~(h)~~ (g) of Section 42280, may  
37 sell or distribute a reusable grocery bag to a customer at the point  
38 of sale only if the reusable bag is made by a producer certified  
39 pursuant to this article and meets all of the following requirements:  
40 (1) Has a handle and is designed for at least 125

1 uses, as provided in this article.

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

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

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

8 (A) The name of the manufacturer.

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

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

12 (D) If the bag is eligible for recycling in the state, instructions  
13 to return the bag to the store for recycling or to another appropriate  
14 recycling location. If recyclable in the state, the bag shall include  
15 the chasing arrows recycling symbol or the term “recyclable,”  
16 consistent with the Federal Trade Commission guidelines use of  
17 that term, as updated.

18 (5) Does not contain lead, cadmium, or any other ~~heavy metal~~  
19 ~~in toxic amounts~~ *toxic material that may pose a threat to public*  
20 *health. A reusable bag manufacturer may demonstrate compliance*  
21 *with this requirement by obtaining a no objection letter from the*  
22 *federal Food and Drug Administration. This requirement shall not*  
23 *affect any authority of the Department of Toxic Substances Control*  
24 *pursuant to Article 14 (commencing with Section 25251) of*  
25 *Chapter 6.5 of Division 20 of the Health and Safety Code and,*  
26 *notwithstanding subdivision (c) of Section 25257.1 of the Health*  
27 *and Safety Code, the reusable grocery bag shall not be considered*  
28 *as a product category already 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) (1) In addition to the requirements in subdivision (a), a  
34 reusable grocery bag made from ~~reusable~~ plastic film shall meet  
35 all of the following requirements:

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

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

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

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

10 (E) It shall be capable of carrying 22 pounds for 125 uses or  
 11 more ~~over a distance of 175 feet~~ and be at least 2.25 mils ~~thick.~~  
 12 *thick, measured according to the American Society of Testing and*  
 13 *Materials (ASTM) Standard D6988-13 or an alternative*  
 14 *methodology approved by the department.*

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

22 (c) In addition to the requirements of subdivision (a), a reusable  
 23 grocery bag that is not made of ~~reusable~~ plastic film and that is  
 24 made from any other natural or synthetic fabric, including, but not  
 25 limited to, woven or nonwoven nylon, polypropylene,  
 26 polyethylene-terephthalate, or Tyvek, shall satisfy all of the  
 27 following:

28 (1) It shall be sewn.

29 (2) It shall be capable of carrying 22 pounds 125 times over a  
 30 distance of 175 feet.

31 (3) It shall have a minimum fabric weight of at least 80 grams  
 32 per square meter.

33 (d) On and after July 1, 2016, a store as defined in paragraph  
 34 ~~(3) or (4)~~ (3), (4), or (5) of subdivision ~~(h)~~ (g) of Section 42280,  
 35 shall comply with the requirements of this section.

36 42281.5. ~~(a)~~ On and after January 1, 2016, a producer of  
 37 reusable grocery bags made from ~~reusable~~ plastic film shall not  
 38 sell or distribute a reusable grocery bag in this state unless the  
 39 producer is certified by a third-party certification entity pursuant  
 40 to Section 42282. A producer shall provide proof of certification

1 to the department demonstrating that the reusable grocery bags  
2 produced by the producer comply with the provisions of this article.  
3 The proof of certification shall include all of the following:

4 (1)

5 (a) Names, locations, and contact information of all sources of  
6 postconsumer recycled material and suppliers of postconsumer  
7 recycled material that have been certified pursuant to Section 42282  
8 material.

9 (2)

10 (b) Quantity and dates of postconsumer recycled material  
11 purchases by the reusable grocery bag producer.

12 (c) *How the postconsumer recycled material is obtained.*

13 (d) *Information demonstrating that the postconsumer recycled*  
14 *material is cleaned using appropriate washing equipment.*

15 (3)

16 (e) Any other information that the department may require to  
17 enable verification of the information provided in the proof of  
18 certification.

19 ~~(b) A supplier of postconsumer recycled material to a reusable~~  
20 ~~grocery bag producer shall be certified pursuant to Section 42282~~  
21 ~~and shall provide information regarding the methods of collecting~~  
22 ~~and processing the postconsumer recycled material to a third-party~~  
23 ~~certification entity. The information shall include all of the~~  
24 ~~following:~~

25 ~~(1) How the postconsumer recycled material is obtained.~~

26 ~~(2) Information demonstrating that all postconsumer recycled~~  
27 ~~material is cleaned using washing equipment specifically designed~~  
28 ~~for that purpose, including the name of the maker, model,~~  
29 ~~description, photographs, and exact locations of the equipment.~~

30 ~~(3) Any other information that the department or certification~~  
31 ~~entity may require to enable verification of the information~~  
32 ~~provided by the supplier.~~

33 42282. (a) On a schedule and in a manner determined by the  
34 department, a reusable grocery bag producer and a supplier of  
35 postconsumer recycled material shall provide to the department  
36 proof of certification conducted by a third-party certification entity  
37 for each type of reusable grocery bag that is manufactured,  
38 imported, sold, or distributed in the state and provided to a store  
39 for sale or distribution, at the point of sale, that meets all the  
40 applicable requirements of this article. The proof of certification

1 shall be accompanied by a certification fee, established pursuant  
2 to Section 42282.1.

3 (b) A third-party certification entity shall be ~~an~~ *one of the*  
4 *following*:

5 (1) ~~An independent, accredited (ISO/IEC 17025) laboratory that~~  
6 ~~is recognized by the department~~ *laboratory.*

7 (2) *The Department of Mechanical and Mechatronic*  
8 *Engineering and Sustainable Manufacturing of the California*  
9 *State University, Chico.*

10 (3) *A certification entity that is approved by the department.*

11 (c) ~~For a reusable grocery bag producer, a~~ A third-party  
12 certification entity shall certify that the producer's reusable grocery  
13 bags meet the minimum 125-use requirement using one of the  
14 following standards:

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

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

21 (3) An alternative compliance methodology approved by the  
22 department.

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

26 (e)

27 (d) The department shall provide a system to receive proofs of  
28 certification online.

29 (f)

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

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

34 (2) The reusable grocery bags that are in compliance with this  
35 article.

36 (3) ~~A list of third-party certification entities that are recognized~~  
37 ~~by the department, including the Department of Mechanical and~~  
38 ~~Mechatronic Engineering and Sustainable Manufacturing of the~~  
39 ~~California State University, Chico, which shall be recognized as~~  
40 ~~a third-party certification entity~~ *entities.*

1 ~~(4) A list of certified suppliers of postconsumer recycled~~  
2 ~~material.~~

3 ~~(g)~~

4 (f) A reusable grocery bag producer shall submit laboratory test  
5 results to the department confirming that the reusable grocery bag  
6 meets the requirements of this article for each type of reusable  
7 grocery bag that is manufactured, imported, sold, or distributed in  
8 the state and provided to a store for sale or distribution.

9 ~~(h)~~

10 (g) The department may test any reusable grocery bag  
11 manufactured by a reusable grocery bag producer and provided to  
12 a store for sale or distribution for compliance with this article and  
13 the regulations adopted pursuant to this article.

14 ~~(i)~~

15 (h) The department may inspect and audit a certified reusable  
16 grocery bag producer subject to this article to ensure continuing  
17 compliance with Section 42281. All costs associated with the audit  
18 shall be paid by the reusable grocery bag producer.

19 ~~(j)~~

20 (i) The department may enter into an agreement with other state  
21 entities that conduct inspections to provide necessary enforcement  
22 of this article.

23 ~~(k)~~

24 (j) (1) A person may object to the certification of a reusable  
25 grocery bag producer or a supplier of postconsumer recycled  
26 material producer.

27 (2) The department shall accept objections pursuant to paragraph  
28 (1) and other public comments and may respond to these *objections*  
29 *and comments* in writing.

30 (3) A person objecting to a certification pursuant to this  
31 subdivision may file an action for review of that certification in  
32 the superior court of a county that has jurisdiction over the reusable  
33 grocery bag producer or postconsumer recycled material supplier  
34 producer. The court may make its own independent findings on  
35 whether the department, in accepting the proof of certification,  
36 obtained verified evidence of compliance, and may consider  
37 evidence that was not submitted to the department.

38 ~~(l)~~

39 (k) The department may suspend or revoke a certification of a  
40 reusable grocery bag producer or supplier of postconsumer recycled

1 material if the department finds there is evidence that the reusable  
2 grocery bags distributed by the producer do not comply with the  
3 requirements of this article, or that the supplier of postconsumer  
4 recycled material does not comply with the requirements of this  
5 article.

6 42282.1. (a) A reusable grocery bag producer or supplier of  
7 postconsumer recycled material shall submit the fee established  
8 pursuant to subdivision (b) to the department when providing proof  
9 of certification pursuant to Sections 42281.5 and 42282.

10 (b) The department shall establish a certification fee schedule  
11 that will generate fee revenues sufficient to cover, but not exceed,  
12 the department's reasonable costs to implement and enforce the  
13 certification provisions of this article. The department may expend  
14 the fees collected pursuant to this section, upon appropriation by  
15 the Legislature, to carry out this article.

16

17

### Article 3. Single-Use Carryout Bags

18

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

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

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

31 (3) On and after July 1, 2015, a store, as defined in paragraph  
32 (1) or (2) of subdivision ~~(h)~~ (g) of Section 42280, that makes  
33 reusable grocery bags available for purchase pursuant to paragraph  
34 (2) shall not sell the reusable grocery bag for less than ten cents  
35 (\$0.10) in order to ensure that the cost of providing a reusable  
36 grocery bag is not subsidized by a customer who does not require  
37 that bag.

38 (c) (1) On and after July 1, 2015, a store, as defined in  
39 paragraph (1) or (2) of subdivision ~~(h)~~ (g) of Section 42280, shall

1 not sell or distribute a recycled paper bag except as provided in  
2 this subdivision.

3 (2) A store, as defined in paragraph (1) or (2) of subdivision-~~(h)~~  
4 (g) of Section 42280, may make available for purchase a recycled  
5 paper bag. On and after July 1, 2015, the store shall not sell a  
6 recycled paper bag for less than ten cents (\$0.10) in order to ensure  
7 that the cost of providing a recycled paper bag is not subsidized  
8 by a consumer who does not require that bag.

9 (d) Notwithstanding any other law, on and after July 1, 2015,  
10 a store, as defined in paragraph (1) or (2) of subdivision-~~(h)~~ (g) of  
11 Section 42280, that makes reusable grocery bags or recycled paper  
12 bags available for purchase at the point of sale shall provide a  
13 customer participating in the California Special Supplemental Food  
14 Program for Women, Infants, and Children pursuant to Article 2  
15 (commencing with Section 123275) of Chapter 1 of Part 2 of  
16 Division 106 of the Health and Safety Code and a customer  
17 participating in the Supplemental Food Program pursuant to  
18 Chapter 10 (commencing with Section 15500) of Part 3 of Division  
19 9 of the Welfare and Institutions Code with a reusable grocery bag  
20 or a recycled paper bag at no cost at the point of sale.

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

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

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

38 (f) A store, as defined in paragraph (1) or (2) of subdivision-~~(h)~~  
39 (g) of Section 42280, shall not require a customer to use, purchase,  
40 or accept a single-use carryout bag, recycled paper bag,

1 compostable bag, or reusable grocery bag as a condition of sale  
 2 of any product.

3 42283.5. On and after July 1, 2016, a store, as defined in  
 4 paragraph ~~(3) or (4)~~ (3), (4), or (5) of subdivision ~~(h)~~ (g) of Section  
 5 42280, shall comply with the same requirements of Section 42283  
 6 that are imposed upon a store, as defined in paragraph (1) or (2)  
 7 of subdivision ~~(h)~~ (g) of Section 42280.

8 42283.6. (a) The operator of a store, as defined in paragraph  
 9 (1) or (2) of subdivision ~~(h)~~ (g) of Section 42280 *that makes*  
 10 *recycled paper or reusable grocery bags available at the point of*  
 11 *sale*, shall be subject to the provisions of both the at-store recycling  
 12 program (Chapter 5.1 (commencing with Section ~~42250~~)) and the  
 13 provisions of this chapter 42250).

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

18 42284. (a) A retail establishment not specifically required to  
 19 comply with the requirements of this chapter is encouraged to  
 20 reduce its distribution of single-use plastic carryout bags.

21 (b) Pursuant to the provisions of subdivision ~~(h)~~ (g) of Section  
 22 42280, any retail establishment that is not a “store,” that provides  
 23 the department with the written notice as specified in subdivision  
 24 (c), shall be regulated as a “store” for the purposes of this chapter.

25 (c) The written notice shall be dated and signed by an authorized  
 26 representative of the retail establishment, and shall include the  
 27 name and physical address of all retail locations covered by the  
 28 notice. The department shall acknowledge receipt of the notice in  
 29 writing and shall specify the date the retail establishment will be  
 30 regulated as a “store,” which shall not be less than 30 days after  
 31 the date of the department’s acknowledgment. The department  
 32 shall post on its Internet Web site, organized by county, the name  
 33 and physical location or locations of each retail establishment that  
 34 has elected to be regulated as a “store.”

35  
 36 Article 4. Enforcement

37  
 38 42285. (a) A city, a county, a city and county, or the state may  
 39 impose civil liability on a person or entity that knowingly violated  
 40 this chapter, or reasonably should have known that it violated this

1 chapter, in the amount of five hundred dollars (\$500) for the first  
2 violation of this chapter, one thousand dollars (\$1,000) for the  
3 second violation, and two thousand dollars (\$2,000) for the third  
4 and subsequent violations.

5 (b) Any civil penalties collected pursuant to subdivision (a)  
6 shall be paid to the office of the city attorney, city prosecutor,  
7 district attorney, or Attorney General, whichever office brought  
8 the action. The penalties collected pursuant to this section by the  
9 Attorney General may be expended by the Attorney General, upon  
10 appropriation by the Legislature, to enforce this chapter.

11  
12 Article 5. Preemption  
13

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

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

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

1 (2) A city, county, or other local public agency not covered by  
 2 paragraph (1) that, before September 1, 2014, has passed a first  
 3 reading of an ordinance or resolution expressing the intent to  
 4 restrict single-use carryout bags and, before January 1, 2015,  
 5 adopts an ordinance to restrict single-use carryout bags, may  
 6 continue to enforce and implement the ordinance that was in effect  
 7 before January 1, 2015.

8

9

Article 6. Financial Provisions

10

11 42288. (a) Notwithstanding Section 42023.2, the sum of two  
 12 million dollars (\$2,000,000) is hereby appropriated from ~~the~~  
 13 ~~Recycling Market Development Revolving Loan Subaccount in~~  
 14 ~~the Integrated Waste Management Account~~ *an appropriate fund*  
 15 *that excludes sources of revenue that are General Fund moneys*  
 16 *for the purposes of the California Constitution* to the department  
 17 for the purposes of providing loans and grants for the creation and  
 18 retention of jobs and economic activity in this state for the  
 19 manufacture and recycling of plastic reusable grocery bags that  
 20 use recycled content, including postconsumer recycled material.

21

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

23

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

27

(2) Development of equipment for the manufacture of reusable  
 28 grocery bags, that, at a minimum, meet the requirements of Section  
 29 42281.

30

(c) A recipient of a grant *or loan* authorized by this section shall  
 31 agree, as a condition of receiving a grant *or loan*, to retain and  
 32 retrain existing employees for the manufacturing of reusable  
 33 grocery bags that, at a minimum, meet the requirements of Section  
 34 42281.

O