

AMENDED IN ASSEMBLY AUGUST 18, 2014

AMENDED IN ASSEMBLY MAY 20, 2014

AMENDED IN ASSEMBLY MARCH 27, 2014

AMENDED IN ASSEMBLY FEBRUARY 6, 2014

SENATE BILL

No. 270

Introduced by Senators Padilla, De León, and Lara

(Principal coauthors: Assembly Members Alejo and Dababneh)

(Coauthor: Assembly Member Bonta)

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 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~~ *provides* the department *with irrevocable written notice*. 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 the existing at-store recycling program 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 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 plastic film from selling or distributing those bags on and after ~~January 1, 2016~~ *July 1, 2015*, unless the producer is certified by a 3rd-party certification entity, as specified. The bill would require a reusable grocery bag 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, producers that have submitted the required certification and their reusable grocery bags that comply with the requirements of the bill, and 3rd-party certification entities~~ *bags*. The bill would require the department to establish ~~a~~ *an administrative* certification fee ~~schedule~~

~~to cover the department's costs to implement these certification requirements~~ *schedule, which would require a reusable grocery bag producer providing proof to the department of certification would be required or recertification to pay a fee. The bill would require that all moneys submitted to the department pursuant to these fee provisions be deposited into the Reusable Grocery Bag Fund, which would be established by the bill, and continuously appropriated for purposes of implementing these proof of certification and Internet Web site provisions, thereby making an appropriation. The bill would also require a reusable grocery bag producer to submit specified laboratory applicable certified test results to the department. The bill would authorize a person to object to a certification of a reusable grocery bag producer and would authorize a person to file by filing an action for review of that certification in the superior court of a county that has jurisdiction over the reusable grocery bag producer. The bill would require the court to determine if the reusable grocery bag producer is in compliance with the provisions of the bill and, based on the court's determination, would require the court to direct the department to either remove or retain the reusable grocery bag producer on its published Internet Web site list.*

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, except as provided.

(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 from the subaccount inoperative on July 1, 2021, and repeals them as of January 1, 2022.

This bill would appropriate \$2,000,000 from ~~an unspecified fund that excludes sources of revenues that are General Fund moneys for purposes of the California Constitution~~ *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 or~~ loan to agree, as a condition of receiving ~~a grant or~~ *the loan*, to take specified actions.

(3) The bill would require the department, no later than March 1, 2018, to provide a status report to the Legislature on the implementation of the bill’s provisions.

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.

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 (B)
27 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 reusable
31 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
36 and 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 in

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

3 (C) A bag provided to contain an unwrapped food item.

4 (D) A nonhandled bag that is designed to be placed over articles
5 of clothing on a hanger.

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

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

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

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

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

27 (5) Is not otherwise subject to paragraph (1), (2), (3), or (4), if
28 the retail establishment voluntarily agrees to comply with the
29 requirements imposed upon a store pursuant to this chapter,
30 *irrevocably* notifies the department of its intent to comply with
31 the requirements imposed upon a store pursuant to this chapter,
32 and complies with the requirements established pursuant to Section
33 42284.

34

35 Article 2. Reusable Grocery Bags

36

37 42281. (a) On and after July 1, 2015, a store, as defined in
38 paragraph (1) or (2) of subdivision (g) of Section 42280, may sell
39 or distribute a reusable grocery bag to a customer at the point of
40 sale only if the reusable bag is made by a producer certified

1 pursuant to this article ~~and meets~~ *to meet* all of the following
2 requirements:

3 (1) Has a handle and is designed for at least 125 uses, as
4 provided in this article.

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

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

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

11 (A) The name of the manufacturer.

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

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

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

21 (5) Does not contain lead, cadmium, or any other toxic material
22 that may pose a threat to public health. A reusable bag
23 manufacturer may demonstrate compliance with this requirement
24 by obtaining a no objection letter from the federal Food and Drug
25 Administration. This requirement shall not affect any authority of
26 the Department of Toxic Substances Control pursuant to Article
27 14 (commencing with Section 25251) of Chapter 6.5 of Division
28 20 of the Health and Safety Code and, notwithstanding subdivision
29 (c) of Section 25257.1 of the Health and Safety Code, the reusable
30 grocery bag shall not be considered as a product category already
31 regulated or subject to regulation.

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

36 (b) (1) In addition to the requirements in subdivision (a), a
37 reusable grocery bag made from plastic film shall meet all of the
38 following requirements:

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

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

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

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

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

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

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

30 (1) It shall be sewn.

31 (2) It shall be capable of carrying 22 pounds ~~125 times~~ over a
32 distance of 175 feet *for a minimum of 125 uses*.

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

35 (d) On and after July 1, 2016, a store as defined in paragraph
36 (3), (4), or (5) of subdivision (g) of Section 42280, shall comply
37 with the requirements of this section.

38 42281.5. On and after ~~January 1, 2016~~, *July 1, 2015*, a producer
39 of reusable grocery bags made from plastic film shall not sell or
40 distribute a reusable grocery bag in this state unless the producer

1 is certified by a third-party certification entity pursuant to Section
2 42282. A producer shall provide proof of certification to the
3 department demonstrating that the reusable grocery bags produced
4 by the producer comply with the provisions of this article. The
5 proof of certification shall include all of the following:

6 (a) Names, locations, and contact information of all sources of
7 postconsumer recycled material and suppliers of postconsumer
8 recycled material.

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

11 (c) How the postconsumer recycled material is obtained.

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

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

17 42282. ~~(a) On a schedule and in a manner determined by the~~
18 ~~department. Commencing on or before July 1, 2015, the department~~
19 ~~shall accept from a reusable grocery bag producer shall provide~~
20 ~~to the department~~ proof of certification conducted by a third-party
21 certification entity, *submitted under penalty of perjury*, for each
22 type of reusable grocery bag that is manufactured, imported, sold,
23 or distributed in the state and provided to a store for sale or
24 distribution, at the point of sale, that meets all the applicable
25 requirements of this article. The proof of certification shall be
26 accompanied by a certification fee, established pursuant to Section
27 42282.1.

28 *(b) A reusable grocery bag producer shall resubmit to the*
29 *department proof of certification as described in subdivision (a)*
30 *on a biennial basis. A reusable grocery bag producer shall provide*
31 *the department with an updated proof of certification conducted*
32 *by a third-party certification entity if any modification that is not*
33 *solely aesthetic is made to a previously certified reusable bag.*
34 *Failure to comply with this subdivision shall result in removal of*
35 *the relevant information posted on the department’s Internet Web*
36 *site pursuant to paragraphs (1) and (2) of subdivision (e) for each*
37 *reusable bag that lacks an updated proof of certification conducted*
38 *by a third-party certification entity.*

39 ~~(b)~~

- 1 (c) A third-party certification entity shall be ~~one of the~~
2 ~~following: an independent, accredited (ISO/IEC 17025) laboratory.~~
3 *A third-party certification entity shall certify that the producer's*
4 *reusable grocery bags meet the requirements of Section 44281.*
5 (1) ~~An independent, accredited (ISO/IEC 17025) laboratory.~~
6 (2) ~~The Department of Mechanical and Mechatronic Engineering~~
7 ~~and Sustainable Manufacturing of the California State University,~~
8 ~~Chico.~~
9 (3) ~~A certification entity that is approved by the department.~~
10 (e) ~~A third-party certification entity shall certify that the~~
11 ~~producer's reusable grocery bags meet the minimum 125-use~~
12 ~~requirement using one of the following standards:~~
13 (1) ~~The EcoLogo ATP-001 standards for durability, as those~~
14 ~~standards existed on November 7, 1995.~~
15 (2) ~~For a reusable grocery bag made from plastic film, the~~
16 ~~Reusable Bag Test Method, developed by Dr. Joseph Greene of~~
17 ~~the California State University, Chico, as that test method existed~~
18 ~~on April 17, 2012.~~
19 (3) ~~An alternative compliance methodology approved by the~~
20 ~~department.~~
21 (d) The department shall provide a system to receive proofs of
22 certification online.
23 (e) On and after July 1, ~~2016~~ 2015, the department shall publish
24 a list on its Internet Web site that includes all of the following:
25 (1) The name, location, and appropriate contact information of
26 certified reusable grocery bag producers.
27 (2) The reusable grocery bags *of producers that are in*
28 ~~compliance with this article have provided the required~~
29 ~~certification.~~
30 (3) ~~A list of third-party certification entities.~~
31 (f) A reusable grocery bag producer shall submit ~~laboratory~~
32 *applicable certified* test results to the department confirming that
33 the reusable grocery bag meets the requirements of this article for
34 each type of reusable grocery bag that is manufactured, imported,
35 sold, or distributed in the state and provided to a store for sale or
36 distribution.
37 (g) ~~The department may test any reusable grocery bag~~
38 ~~manufactured by a reusable grocery bag producer and provided to~~
39 ~~a store for sale or distribution for compliance with this article and~~
40 ~~the regulations adopted pursuant to this article.~~

1 ~~(h) The department may inspect and audit a certified reusable~~
2 ~~grocery bag producer subject to this article to ensure continuing~~
3 ~~compliance with Section 42281. All costs associated with the audit~~
4 ~~shall be paid by the reusable grocery bag producer.~~

5 ~~(i) The department may enter into an agreement with other state~~
6 ~~entities that conduct inspections to provide necessary enforcement~~
7 ~~of this article.~~

8 ~~(j) (1) A person may object to the certification of a reusable~~
9 ~~grocery bag producer.~~

10 ~~(2) The department shall accept objections pursuant to paragraph~~
11 ~~(1) and other public comments and may respond to these objections~~
12 ~~and comments in writing.~~

13 ~~(3)~~

14 ~~(1) A person objecting may object to a the certification of a~~
15 ~~reusable grocery bag producer pursuant to this subdivision may~~
16 ~~file section by filing an action for review of that certification in~~
17 ~~the superior court of a county that has jurisdiction over the reusable~~
18 ~~grocery bag producer. The court may make its own independent~~
19 ~~findings on whether the department, in accepting the proof of~~
20 ~~certification, obtained verified evidence of compliance, and may~~
21 ~~consider evidence that was not submitted to the department shall~~
22 ~~determine if the reusable grocery bag producer is in compliance~~
23 ~~with the requirements of this article.~~

24 ~~(2) A reusable grocery bag producer whose certification is being~~
25 ~~objected to pursuant to paragraph (1) shall be deemed in~~
26 ~~compliance with this article pending a determination by the court.~~

27 ~~(3) Based on its determination, the court shall direct the~~
28 ~~department to remove the reusable grocery bag producer from,~~
29 ~~or retain the reusable grocery bag producer on, its list published~~
30 ~~pursuant to subdivision (e).~~

31 ~~(4) If the court directs the department to remove a reusable~~
32 ~~grocery bag producer from its published list, the reusable grocery~~
33 ~~bag producer shall remain off of the published list for a period of~~
34 ~~one year from the date of the court's determination.~~

35 ~~(k) The department may suspend or revoke a certification of a~~
36 ~~reusable grocery bag producer if the department finds there is~~
37 ~~evidence that the reusable grocery bags distributed by the producer~~
38 ~~do not comply with the requirements of this article.~~

39 ~~42282.1. (a) A reusable grocery bag producer shall submit the~~
40 ~~fee established pursuant to subdivision (b) to the department when~~

1 providing proof of certification *or recertification* pursuant to
2 Sections 42281.5 and 42282.

3 (b) The department shall establish—~~a an administrative~~
4 certification fee schedule that will generate fee revenues sufficient
5 to cover, but not exceed, the department’s reasonable costs to
6 implement ~~and enforce the certification provisions of this article.~~
7 The department ~~may expend the fees collected pursuant to this~~
8 ~~section, upon appropriation by the Legislature, to carry out this~~
9 ~~article shall deposit all moneys submitted pursuant to this section~~
10 *into the Reusable Grocery Bag Fund, which is hereby established*
11 *in the State Treasury. Notwithstanding Section 11340 of the*
12 *Government Code, moneys in the fund are continuously*
13 *appropriated, without regard to fiscal year, to the department for*
14 *the purpose of implementing this article.*

15

16 Article 3. Single-Use Carryout Bags

17

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

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

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

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

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

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

7 (d) Notwithstanding any other law, on and after July 1, 2015,
8 a store, as defined in paragraph (1) or (2) of subdivision (g) of
9 Section 42280, that makes reusable grocery bags or recycled paper
10 bags available for purchase at the point of sale shall provide *a*
11 *reusable grocery bag or a recycled paper bag at no cost at the*
12 *point of sale to a customer participating in using a payment card*
13 *or voucher issued by 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. or an*
21 *electronic benefit transfer card issued pursuant to Section 10072*
22 *of the Welfare and Institutions Code.*

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

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

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

1 (f) A store, as defined in paragraph (1) or (2) of subdivision (g)
2 of Section 42280, shall not require a customer to use, purchase,
3 or accept a single-use carryout bag, recycled paper bag,
4 compostable bag, or reusable grocery bag as a condition of sale
5 of any product.

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

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

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

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

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

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

Article 4. Enforcement

1
2
3 42285. (a) A city, a county, a city and county, or the state may
4 impose civil liability on a person or entity that knowingly violated
5 this chapter, or reasonably should have known that it violated this
6 chapter, in the amount of ~~five hundred dollars (\$500)~~ *one thousand*
7 *dollars (\$1,000) per day* for the first violation of this chapter, ~~one~~
8 *two thousand dollars (\$2,000) per day* for the second
9 violation, and ~~two five thousand dollars (\$2,000)~~ *(\$5,000) per day*
10 for the third and subsequent violations.

11 (b) Any civil penalties collected pursuant to subdivision (a)
12 shall be paid to the office of the city attorney, city prosecutor,
13 district attorney, or Attorney General, whichever office brought
14 the action. The penalties collected pursuant to this section by the
15 Attorney General may be expended by the Attorney General, upon
16 appropriation by the Legislature, to enforce this chapter.

17
18 Article 5. Preemption

19
20 42287. (a) Except as provided in subdivision (c), this chapter
21 is a matter of statewide interest and concern and is applicable
22 uniformly throughout the state. Accordingly, this chapter occupies
23 the whole field of regulation of reusable grocery bags, single-use
24 carryout bags, and recycled paper bags, as defined in this chapter,
25 provided by a store, as defined in this chapter.

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

33 (c) (1) A city, county, or other local public agency that has
34 adopted, before September 1, 2014, an ordinance, resolution,
35 regulation, or rule relating to reusable grocery bags, single-use
36 carryout bags, or recycled paper bags may continue to enforce and
37 implement that ordinance, resolution, regulation, or rule that was
38 in effect before that date. Any amendments to that ordinance,
39 resolution, regulation, or rule on or after January 1, 2015, shall be
40 subject to subdivision (b), except the city, county, or other local

1 public agency may adopt or amend an ordinance, resolution,
 2 regulation, or rule to increase the amount that a store shall charge
 3 with regard to a recycled paper bag, compostable bag, or reusable
 4 grocery bag to no less than the amount specified in Section 42283.
 5 (2) A city, county, or other local public agency not covered by
 6 paragraph (1) that, before September 1, 2014, has passed a first
 7 reading of an ordinance or resolution expressing the intent to
 8 restrict single-use carryout bags and, before January 1, 2015, adopts
 9 an ordinance to restrict single-use carryout bags, may continue to
 10 enforce and implement the ordinance that was in effect before
 11 January 1, 2015.

12
13 Article 6. Financial Provisions

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

25 (b) The department ~~shall~~ *may* expend, *if there are applicants*
 26 *eligible for funding from the Recycling Market Development*
 27 *Revolving Loan Subaccount*, the funds appropriated pursuant to
 28 this section to provide loans ~~and grants~~ for both of the following:

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

33 (2) Development of equipment for the manufacture of reusable
 34 grocery bags, that, at a minimum, meet the requirements of Section
 35 42281.

36 (c) A recipient of a ~~grant or~~ loan authorized by this section shall
 37 agree, as a condition of receiving a ~~grant or~~ *the* loan, to retain and
 38 retrain existing employees for the manufacturing of reusable
 39 grocery bags that, at a minimum, meet the requirements of Section
 40 42281.

1 (d) Any moneys appropriated pursuant to this section not
2 expended by the end of the 2015–16 fiscal year shall revert to the
3 Recycling Market Development Revolving Loan Subaccount for
4 expenditure pursuant to Article 3 (commencing with Section 42010)
5 of Chapter 1.

6 (e) Applicants for funding under this section may also apply for
7 funding or benefits from other economic development programs
8 for which they may be eligible, including, but not limited to, both
9 of the following:

10 (1) An income tax credit, as described in Sections 17059.2 and
11 23689 of the Revenue and Taxation Code.

12 (2) A tax exemption pursuant to Section 6377.1 of the Revenue
13 and Taxation Code.

14 SEC. 2. No later than March 1, 2018, the department, as a part
15 of its reporting requirement pursuant to Section 40507 of the Public
16 Resources Code, shall provide a status report on the
17 implementation of Chapter 5.3 (commencing with Section 42280)
18 of Part 3 of Division 30 of the Public Resources Code.

O