

AMENDED IN ASSEMBLY MARCH 11, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 190

Introduced by Assembly Member Harper

(Principal coauthor: Senator Vidak)

*(Coauthors: Assembly Members Travis Allen, Brough, Gallagher,
Patterson, Wagner, and Wilk)*

(Coauthors: Senators Anderson and Nielsen)

January 27, 2015

An act to repeal Chapter 5.3 (commencing with Section 42280) of Part 3 of Division 30 of the Public Resources Code, and to repeal Section 2 of Chapter 850 of the Statutes of 2014, relating to solid waste, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 190, as amended, Harper. Solid waste: single-use carryout bags.

Existing law, inoperative due to a pending referendum~~-petition,~~
election, would otherwise, as of July 1, 2015, 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. That law 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 and would allow those stores 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.

This same law, on and after July 1, 2016, would additionally impose these prohibitions and requirements on convenience food stores, foodmarts, and entities that are 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.

This inoperative law 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.

Existing law, included in the bill that enacted the provisions currently inoperative due to the pending referendum ~~petition~~, *election*, but not included in the ~~pending referendum petition~~ *election*, and thus operative, appropriates \$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 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.

Existing law, subject to the referendum ~~petition~~, *election*, requires the department, no later than March 1, 2018, to provide a status report to the Legislature on the implementation of all of these provisions.

This bill would repeal the above provisions and related provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. 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 of Part 3 of Division 30 of the Public Resources Code is repealed.
- 3 SEC. 2. Section 2 of Chapter 850 of the Statutes of 2014 is
- 4 repealed.
- 5 SEC. 3. This act is an urgency statute necessary for the
- 6 immediate preservation of the public peace, health, or safety within
- 7 the meaning of Article IV of the Constitution and shall go into
- 8 immediate effect. The facts constituting the necessity are:
- 9 In order to prevent the negative effects that these provisions
- 10 would have on consumers and ~~businesses beginning on July 1,~~
- 11 ~~2015,~~ *businesses, and to avoid costly preparations for an*

- 1 *unnecessary election*, it is necessary for this act to take effect
- 2 immediately.

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