

ASSEMBLY BILL

No. 191

Introduced by Assembly Member Harper

January 27, 2015

An act to amend Sections 42283 and 42283.7 of the Public Resources Code, relating to solid waste, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 191, as introduced, Harper. Solid waste: single-use carryout bags.

Existing law, inoperative due to a pending referendum petition, would, 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 and 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. This same law would, on and after July 1, 2016, impose these prohibitions and requirements on convenience food stores, foodmarts, and other specified entities.

This bill would repeal the requirement that a store that distributes recycled paper bags make those bags available for purchase for not less than \$0.10.

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. Section 42283 of the Public Resources Code is
 2 amended to read:

3 42283. (a) Except as provided in subdivision (e), on and after
 4 July 1, 2015, a store, as defined in paragraph (1) or (2) of
 5 subdivision (g) of Section 42280, shall not provide a single-use
 6 carryout bag to a customer at the point of sale.

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

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

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

21 ~~(e) (1) On and after July 1, 2015, a store, as defined in~~
 22 ~~paragraph (1) or (2) of subdivision (g) of Section 42280, shall not~~
 23 ~~sell or distribute a recycled paper bag except as provided in this~~
 24 ~~subdivision.~~

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

31 ~~(d)~~
 32 (c) Notwithstanding any other law, on and after July 1, 2015, a
 33 store, as defined in paragraph (1) or (2) of subdivision (g) of
 34 Section 42280, that makes reusable grocery bags ~~or recycled paper~~
 35 ~~bags~~ available for purchase at the point of sale *or that makes*
 36 *recycled paper bags available at the point of sale* shall provide a
 37 reusable grocery bag or a recycled paper bag at no cost at the point
 38 of sale to a customer using a payment card or voucher issued by

1 the California Special Supplemental Food Program for Women,
2 Infants, and Children pursuant to Article 2 (commencing with
3 Section 123275) of Chapter 1 of Part 2 of Division 106 of the
4 Health and Safety Code or an electronic benefit transfer card issued
5 pursuant to Section 10072 of the Welfare and Institutions Code.

6 (e)

7 (d) On and after July 1, 2015, a store, as defined in paragraph
8 (1) or (2) of subdivision (g) of Section 42280, may distribute a
9 compostable bag at the point of sale, if the compostable bag is
10 provided to the consumer at the cost specified pursuant to
11 paragraph (2), the compostable bag, at a minimum, meets the
12 ~~American Society for Testing and Materials (ASTM)~~ *ASTM*
13 International Standard Specification for Compostable Plastics
14 D6400, as updated, and in the jurisdiction where the compostable
15 bag is sold and in the jurisdiction where the store is located, both
16 of the following requirements are met:

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

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

24 (f)

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

30 SEC. 2. Section 42283.7 of the Public Resources Code is
31 amended to read:

32 42283.7. All moneys collected pursuant to this article shall be
33 retained by the store and may be used only for the following
34 purposes:

35 (a) Costs associated with complying with the requirements of
36 this article.

37 (b) Actual costs of providing ~~recycled paper bags or reusable~~
38 grocery bags.

1 (c) Costs associated with a store’s educational materials or
2 educational campaign encouraging the use of reusable grocery
3 bags.

4 SEC. 3. This act is an urgency statute necessary for the
5 immediate preservation of the public peace, health, or safety within
6 the meaning of Article IV of the Constitution and shall go into
7 immediate effect. The facts constituting the necessity are:

8 In order to prevent this unfair and unjustified charge from taking
9 effect and harming consumers and businesses, it is necessary that
10 this act take effect immediately.