

AMENDED IN ASSEMBLY MARCH 11, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 191**

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**Introduced by Assembly Member Harper**

*(Principal coauthor: Senator Vidak)*

*(Coauthors: Assembly Members Brough, Chávez, Grove, Melendez,  
and Patterson)*

*(Coauthors: Senators Anderson and Nielsen)*

January 27, 2015

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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. *waste.*

LEGISLATIVE COUNSEL'S DIGEST

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

Existing law, inoperative due to a pending referendum ~~petition, election,~~ 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.~~

*This bill would become operative only if the referendum on single-use plastic bags is approved by the voters.*

Vote:  $\frac{2}{3}$ -majority. 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 (c) Notwithstanding any other law, on and after July 1, 2015, a  
22 store, as defined in paragraph (1) or (2) of subdivision (g) of  
23 Section 42280, that makes reusable grocery bags available for  
24 purchase at the point of sale or that makes recycled paper bags  
25 available at the point of sale shall provide a reusable grocery bag  
26 or a recycled paper bag at no cost at the point of sale to a customer  
27 using a payment card or voucher issued by the California Special  
28 Supplemental Food Program for Women, Infants, and Children  
29 pursuant to Article 2 (commencing with Section 123275) of  
30 Chapter 1 of Part 2 of Division 106 of the Health and Safety Code  
31 or an electronic benefit transfer card issued pursuant to Section  
32 10072 of the Welfare and Institutions Code.

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

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

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

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

22 SEC. 2. Section 42283.7 of the Public Resources Code is  
23 amended to read:

24 42283.7. All moneys collected pursuant to this article shall be  
25 retained by the store and may be used only for the following  
26 purposes:

27 (a) Costs associated with complying with the requirements of  
28 this article.

29 (b) Actual costs of providing reusable grocery bags.

30 (c) Costs associated with a store's educational materials or  
31 educational campaign encouraging the use of reusable grocery  
32 bags.

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

37 ~~In order to prevent this unfair and unjustified charge from taking~~  
38 ~~effect and harming consumers and businesses, it is necessary that~~  
39 ~~this act take effect immediately.~~

1     *SEC. 3. This act shall become operative only if the referendum*  
2     *on single-use plastic bags is approved by the voters at the 2016*  
3     *statewide general election.*

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