

ASSEMBLY BILL

No. 1136

Introduced by Assembly Member Steinorth

February 27, 2015

An act to amend Section 42283 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1136, as introduced, Steinorth. Reusable grocery bag and recycled paper bag: fee: exemptions.

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 would prohibit those stores from selling or distributing a reusable grocery bag or 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 inoperative law would require these stores to provide to certain customers a reusable grocery bag or recycled paper bag at no cost at the point of sale.

Subject to the referendum petition, this bill would expand the group of customers who would be provided a reusable grocery bag or a recycled paper bag at no cost at the point of sale to include a customer who is 65 years of age or older and a customer who provides proof of current attendance at a California college or university.

Vote: majority. Appropriation: no. Fiscal committee: no.
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) (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) Notwithstanding any other law, on and after July 1, 2015,
32 a store, as defined in paragraph (1) or (2) of subdivision (g) of
33 Section 42280, that makes reusable grocery bags or recycled paper
34 bags available for purchase at the point of sale shall provide a
35 reusable grocery bag or a recycled paper bag at no cost at the point
36 of sale to ~~a~~ *any of the following*: a

37 (1) A customer using a payment card or voucher issued by the
38 California Special Supplemental Food Program for Women,

1 Infants, and Children pursuant to Article 2 (commencing with
2 Section 123275) of Chapter 1 of Part 2 of Division 106 of the
3 Health and Safety ~~Code~~ or an *Code*.

4 (2) *A customer using an* electronic benefit transfer card issued
5 pursuant to Section 10072 of the Welfare and Institutions Code.

6 (3) *A customer who is 65 years of age or older.*

7 (4) *A customer who provides proof of current attendance at a*
8 *California college or university.*

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

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

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

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

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