

AMENDED IN ASSEMBLY AUGUST 21, 2014

AMENDED IN ASSEMBLY AUGUST 18, 2014

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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~~)

(*Coauthors: Assembly Members Bonta, Levine, and Pan*)

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 would require all moneys collected pursuant to these provisions to be retained by the store and be used only for specified purposes.*

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 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 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 required to publish on its Internet Web site a list of reusable grocery bag producers that have submitted the required

certification and their reusable grocery bags. The bill would require the department to establish an administrative certification fee schedule, which would require a reusable grocery bag producer providing proof to the department of certification 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 applicable certified test results to the department. The bill would authorize a person to object to a certification of a reusable grocery bag producer 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 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. The bill would require a recipient of a loan to agree, as a condition of receiving 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.

17 (c) “Recycled paper bag” means a paper carryout bag provided
 18 by a store to a customer at the point of sale that meets all of the
 19 following requirements:

20 (1) (A) Except as provided in subparagraph (B), contains a
 21 minimum of 40 percent postconsumer recycled materials.

1 (B) An eight pound or smaller recycled paper bag shall contain
2 a minimum of 20 percent postconsumer recycled material.

3 (2) Is accepted for recycling in curbside programs in a majority
4 of households that have access to curbside recycling programs in
5 the state.

6 (3) Has printed on the bag the name of the manufacturer, the
7 country where the bag was manufactured, and the minimum
8 percentage of postconsumer content.

9 (d) “Reusable grocery bag” means a bag that is provided by a
10 store to a customer at the point of sale that meets the requirements
11 of Section 42281.

12 (e) (1) “Reusable grocery bag producer” means a person or
13 entity that does any of the following:

14 (A) Manufactures reusable grocery bags for sale or distribution
15 to a store.

16 (B) Imports reusable grocery bags into this state, for sale or
17 distribution to a store.

18 (C) Sells or distributes reusable bags to a store.

19 (2) “Reusable grocery bag producer” does not include a store,
20 with regard to a reusable grocery bag for which there is a
21 manufacturer or importer, as specified in subparagraph (A) or (B)
22 of paragraph (1).

23 (f) (1) “Single-use carryout bag” means a bag made of plastic,
24 paper, or other material that is provided by a store to a customer
25 at the point of sale and that is not a recycled paper bag or a reusable
26 grocery bag that meets the requirements of Section 42281.

27 (2) A single-use carryout bag does not include either of the
28 following:

29 (A) A bag provided by a pharmacy pursuant to Chapter 9
30 (commencing with Section 4000) of Division 2 of the Business
31 and Professions Code to a customer purchasing a prescription
32 medication.

33 (B) A nonhandled bag used to protect a purchased item from
34 damaging or contaminating other purchased items when placed in
35 a recycled paper bag, a reusable grocery bag, or a compostable
36 plastic bag.

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

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

- 1 (g) “Store” means a retail establishment that meets any of the
- 2 following requirements:
- 3 (1) A full-line, self-service retail store with gross annual sales
- 4 of two million dollars (\$2,000,000) or more that sells a line of dry
- 5 groceries, canned goods, or nonfood items, and some perishable
- 6 items.
- 7 (2) Has at least 10,000 square feet of retail space that generates
- 8 sales or use tax pursuant to the Bradley-Burns Uniform Local Sales
- 9 and Use Tax Law (Part 1.5 (commencing with Section 7200) of
- 10 Division 2 of the Revenue and Taxation Code) and has a pharmacy
- 11 licensed pursuant to Chapter 9 (commencing with Section 4000)
- 12 of Division 2 of the Business and Professions Code.
- 13 (3) Is a convenience food store, foodmart, or other entity that
- 14 is engaged in the retail sale of a limited line of goods, generally
- 15 including milk, bread, soda, and snack foods, and that holds a Type
- 16 20 or Type 21 license issued by the Department of Alcoholic
- 17 Beverage Control.
- 18 (4) Is a convenience food store, foodmart, or other entity that
- 19 is engaged in the retail sale of goods intended to be consumed off
- 20 the premises, and that holds a Type 20 or Type 21 license issued
- 21 by the Department of Alcoholic Beverage Control.
- 22 (5) Is not otherwise subject to paragraph (1), (2), (3), or (4), if
- 23 the retail establishment voluntarily agrees to comply with the
- 24 requirements imposed upon a store pursuant to this chapter,
- 25 irrevocably notifies the department of its intent to comply with the
- 26 requirements imposed upon a store pursuant to this chapter, and
- 27 complies with the requirements established pursuant to Section
- 28 42284.

29

30 Article 2. Reusable Grocery Bags

31

- 32 42281. (a) On and after July 1, 2015, a store, as defined in
- 33 paragraph (1) or (2) of subdivision (g) of Section 42280, may sell
- 34 or distribute a reusable grocery bag to a customer at the point of
- 35 sale only if the reusable bag is made by a producer certified
- 36 pursuant to this article to meet all of the following requirements:
- 37 (1) Has a handle and is designed for at least 125 uses, as
- 38 provided in this article.
- 39 (2) Has a volume capacity of at least 15 liters.

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

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

6 (A) The name of the manufacturer.

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

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

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

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

27 (6) Complies with Section 260.12 of Part 260 of Title 16 of the
28 Code of Federal Regulations related to recyclable claims if the
29 reusable grocery bag producer makes a claim that the reusable
30 grocery bag is recyclable.

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

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

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

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

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

6 (E) It shall be capable of carrying 22 pounds over a distance of
7 175 feet for a minimum of 125 uses and be at least 2.25 mils thick,
8 measured according to the American Society of Testing and
9 Materials (ASTM) Standard D6988-13.

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

17 (c) In addition to the requirements of subdivision (a), a reusable
18 grocery bag that is not made of plastic film and that is made from
19 any other natural or synthetic fabric, including, but not limited to,
20 woven or nonwoven nylon, polypropylene,
21 polyethylene-terephthalate, or Tyvek, shall satisfy all of the
22 following:

23 (1) It shall be sewn.

24 (2) It shall be capable of carrying 22 pounds over a distance of
25 175 feet for a minimum of 125 uses.

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

28 (d) On and after July 1, 2016, a store as defined in paragraph
29 (3), (4), or (5) of subdivision (g) of Section 42280, shall comply
30 with the requirements of this section.

31 42281.5. On and after July 1, 2015, a producer of reusable
32 grocery bags made from plastic film shall not sell or distribute a
33 reusable grocery bag in this state unless the producer is certified
34 by a third-party certification entity pursuant to Section 42282. A
35 producer shall provide proof of certification to the department
36 demonstrating that the reusable grocery bags produced by the
37 producer comply with the provisions of this article. The proof of
38 certification shall include all of the following:

1 (a) Names, locations, and contact information of all sources of
2 postconsumer recycled material and suppliers of postconsumer
3 recycled material.

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

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

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

9 42282. (a) Commencing on or before July 1, 2015, the
10 department shall accept from a reusable grocery bag producer
11 proof of certification conducted by a third-party certification entity,
12 submitted under penalty of perjury, for each type of reusable
13 grocery bag that is manufactured, imported, sold, or distributed in
14 the state and provided to a store for sale or distribution, at the point
15 of sale, that meets all the applicable requirements of this article.
16 The proof of certification shall be accompanied by a certification
17 fee, established pursuant to Section 42282.1.

18 (b) A reusable grocery bag producer shall resubmit to the
19 department proof of certification as described in subdivision (a)
20 on a biennial basis. A reusable grocery bag producer shall provide
21 the department with an updated proof of certification conducted
22 by a third-party certification entity if any modification that is not
23 solely aesthetic is made to a previously certified reusable bag.
24 Failure to comply with this subdivision shall result in removal of
25 the relevant information posted on the department's Internet Web
26 site pursuant to paragraphs (1) and (2) of subdivision (e) for each
27 reusable bag that lacks an updated proof of certification conducted
28 by a third-party certification entity.

29 (c) A third-party certification entity shall be an independent,
30 accredited (ISO/IEC 17025) laboratory. A third-party certification
31 entity shall certify that the producer's reusable grocery bags meet
32 the requirements of Section 44281.

33 (d) The department shall provide a system to receive proofs of
34 certification online.

35 (e) On and after July 1, 2015, the department shall publish a list
36 on its Internet Web site that includes all of the following:

37 (1) The name, location, and appropriate contact information of
38 certified reusable grocery bag producers.

39 (2) The reusable grocery bags of producers that have provided
40 the required certification.

1 (f) A reusable grocery bag producer shall submit applicable
2 certified test results to the department confirming that the reusable
3 grocery bag meets the requirements of this article for each type of
4 reusable grocery bag that is manufactured, imported, sold, or
5 distributed in the state and provided to a store for sale or
6 distribution.

7 (1) A person may object to the certification of a reusable grocery
8 bag producer pursuant to this section by filing an action for review
9 of that certification in the superior court of a county that has
10 jurisdiction over the reusable grocery bag producer. The court shall
11 determine if the reusable grocery bag producer is in compliance
12 with the requirements of this article.

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

16 (3) Based on its determination, the court shall direct the
17 department to remove the reusable grocery bag producer from, or
18 retain the reusable grocery bag producer on, its list published
19 pursuant to subdivision (e).

20 (4) If the court directs the department to remove a reusable
21 grocery bag producer from its published list, the reusable grocery
22 bag producer shall remain off of the published list for a period of
23 one year from the date of the court's determination.

24 42282.1. (a) A reusable grocery bag producer shall submit the
25 fee established pursuant to subdivision (b) to the department when
26 providing proof of certification or recertification pursuant to
27 Sections 42281.5 and 42282.

28 (b) The department shall establish an administrative certification
29 fee schedule that will generate fee revenues sufficient to cover,
30 but not exceed, the department's reasonable costs to implement
31 this article. The department shall deposit all moneys submitted
32 pursuant to this section into the Reusable Grocery Bag Fund, which
33 is hereby established in the State Treasury. Notwithstanding
34 Section 11340 of the Government Code, moneys in the fund are
35 continuously appropriated, without regard to fiscal year, to the
36 department for the purpose of implementing this article.

1 Article 3. Single-Use Carryout Bags

2
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 customer using a payment card or voucher issued by
37 the California Special Supplemental Food Program for Women,
38 Infants, and Children pursuant to Article 2 (commencing with
39 Section 123275) of Chapter 1 of Part 2 of Division 106 of the

1 Health and Safety Code or an electronic benefit transfer card issued
2 pursuant to Section 10072 of the Welfare and Institutions Code.

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

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

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

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

25 42283.5. On and after July 1, 2016, a store, as defined in
26 paragraph (3), (4), or (5) of subdivision (g) of Section 42280, shall
27 comply with the same requirements of Section 42283 that are
28 imposed upon a store, as defined in paragraph (1) or (2) of
29 subdivision (g) of Section 42280.

30 42283.6. (a) The operator of a store, as defined in paragraph
31 (1) or (2) of subdivision (g) of Section 42280 that makes recycled
32 paper or reusable grocery bags available at the point of sale, shall
33 be subject to the provisions of the at-store recycling program
34 (Chapter 5.1 (commencing with Section 42250)).

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

1 42283.7. *All moneys collected pursuant to this article shall be*
2 *retained by the store and may be used only for the following*
3 *purposes:*

4 (a) *Costs associated with complying with the requirements of*
5 *this article.*

6 (b) *Actual costs of providing recycled paper bags or reusable*
7 *grocery bags.*

8 (c) *Costs associated with a store’s educational materials or*
9 *educational campaign encouraging the use of reusable grocery*
10 *bags.*

11 42284. (a) A retail establishment not specifically required to
12 comply with the requirements of this chapter is encouraged to
13 reduce its distribution of single-use plastic carryout bags.

14 (b) Pursuant to the provisions of subdivision (g) of Section
15 42280, any retail establishment that is not a “store,” that provides
16 the department with the irrevocable written notice as specified in
17 subdivision (c), shall be regulated as a “store” for the purposes of
18 this chapter.

19 (c) The irrevocable written notice shall be dated and signed by
20 an authorized representative of the retail establishment, and shall
21 include the name and physical address of all retail locations covered
22 by the notice. The department shall acknowledge receipt of the
23 notice in writing and shall specify the date the retail establishment
24 will be regulated as a “store,” which shall not be less than 30 days
25 after the date of the department’s acknowledgment. The department
26 shall post on its Internet Web site, organized by county, the name
27 and physical location or locations of each retail establishment that
28 has elected to be regulated as a “store.”

29

30

Article 4. Enforcement

31

32 42285. (a) A city, a county, a city and county, or the state may
33 impose civil liability on a person or entity that knowingly violated
34 this chapter, or reasonably should have known that it violated this
35 chapter, in the amount of one thousand dollars (\$1,000) per day
36 for the first violation of this chapter, two thousand dollars (\$2,000)
37 per day for the second violation, and five thousand dollars (\$5,000)
38 per day for the third and subsequent violations.

39 (b) Any civil penalties collected pursuant to subdivision (a)
40 shall be paid to the office of the city attorney, city prosecutor,

1 district attorney, or Attorney General, whichever office brought
2 the action. The penalties collected pursuant to this section by the
3 Attorney General may be expended by the Attorney General, upon
4 appropriation by the Legislature, to enforce this chapter.

5

6

Article 5. Preemption

7

8 42287. (a) Except as provided in subdivision (c), this chapter
9 is a matter of statewide interest and concern and is applicable
10 uniformly throughout the state. Accordingly, this chapter occupies
11 the whole field of regulation of reusable grocery bags, single-use
12 carryout bags, and recycled paper bags, as defined in this chapter,
13 provided by a store, as defined in this chapter.

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

21 (c) (1) A city, county, or other local public agency that has
22 adopted, before September 1, 2014, an ordinance, resolution,
23 regulation, or rule relating to reusable grocery bags, single-use
24 carryout bags, or recycled paper bags may continue to enforce and
25 implement that ordinance, resolution, regulation, or rule that was
26 in effect before that date. Any amendments to that ordinance,
27 resolution, regulation, or rule on or after January 1, 2015, shall be
28 subject to subdivision (b), except the city, county, or other local
29 public agency may adopt or amend an ordinance, resolution,
30 regulation, or rule to increase the amount that a store shall charge
31 with regard to a recycled paper bag, compostable bag, or reusable
32 grocery bag to no less than the amount specified in Section 42283.

33 (2) A city, county, or other local public agency not covered by
34 paragraph (1) that, before September 1, 2014, has passed a first
35 reading of an ordinance or resolution expressing the intent to
36 restrict single-use carryout bags and, before January 1, 2015, adopts
37 an ordinance to restrict single-use carryout bags, may continue to
38 enforce and implement the ordinance that was in effect before
39 January 1, 2015.

Article 6. Financial Provisions

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2
3 42288. (a) Notwithstanding Section 42023.2, the sum of two
4 million dollars (\$2,000,000) is hereby appropriated from the
5 Recycling Market Development Revolving Loan Subaccount in
6 the Integrated Waste Management Account to the department for
7 the purposes of providing loans for the creation and retention of
8 jobs and economic activity in this state for the manufacture and
9 recycling of plastic reusable grocery bags that use recycled content,
10 including postconsumer recycled material.

11 (b) The department may expend, if there are applicants eligible
12 for funding from the Recycling Market Development Revolving
13 Loan Subaccount, the funds appropriated pursuant to this section
14 to provide loans for both of the following:

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

19 (2) Development of equipment for the manufacture of reusable
20 grocery bags, that, at a minimum, meet the requirements of Section
21 42281.

22 (c) A recipient of a loan authorized by this section shall agree,
23 as a condition of receiving the loan, to retain and retrain existing
24 employees for the manufacturing of reusable grocery bags that, at
25 a minimum, meet the requirements of Section 42281.

26 (d) Any moneys appropriated pursuant to this section not
27 expended by the end of the 2015–16 fiscal year shall revert to the
28 Recycling Market Development Revolving Loan Subaccount for
29 expenditure pursuant to Article 3 (commencing with Section
30 42010) of Chapter 1.

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

35 (1) An income tax credit, as described in Sections 17059.2 and
36 23689 of the Revenue and Taxation Code.

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

39 SEC. 2. No later than March 1, 2018, the department, as a part
40 of its reporting requirement pursuant to Section 40507 of the Public

- 1 Resources Code, shall provide a status report on the implementation
- 2 of Chapter 5.3 (commencing with Section 42280) of Part 3 of
- 3 Division 30 of the Public Resources Code.

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