

AMENDED IN SENATE JUNE 20, 2024

AMENDED IN ASSEMBLY MAY 16, 2024

AMENDED IN ASSEMBLY MARCH 21, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2236

Introduced by Assembly Member Bauer-Kahan

(Principal coauthor: Assembly Member Mathis)

(Principal coauthors: Senators Allen and Blakespear)

**(Coauthors: Assembly Members Addis, Bennett, Boerner, Friedman,
Quirk-Silva, and Rendon)**

(Coauthors: Senators Limón, Stern, and Wiener)

February 8, 2024

An act to amend and repeal Sections 42281.5, 42282, 42282.1, and 42283.6 of, and to amend, repeal, and add Sections 42280, 42281, 42283, 42283.5, and 42284 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2236, as amended, Bauer-Kahan. Solid waste: reusable grocery bags: standards: plastic film prohibition.

Existing law prohibits a store, as defined, from providing a single-use carryout bag, as defined, to a customer, with specified exceptions, including an exemption for bags used to contain unwrapped food. Existing law requires a reusable grocery bag sold by a store 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, recycled material

content. Existing law prohibits a producer of reusable grocery bags made from plastic film from selling or distributing those bags unless the producer is certified by a third-party certification entity, and provides proof of that certification and a certification fee to the department, as specified. Existing law also prohibits a store 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. Existing law defines “recycled paper bag,” in part, as a paper carryout bag that contains a minimum of 40% postconsumer recycled materials, except as provided, and meets other requirements. Existing law allows a retail establishment to voluntarily comply with these requirements, if the retail establishment provides the department with irrevocable notice.

This bill would, commencing January 1, 2026, revise and recast those provisions to, among other things, revise the single-use carryout bag exception to include a bag provided to a customer before the customer reaches the point of sale, that is designed to protect a purchased item from damaging or contaminating other purchased items in a checkout bag, or to contain an unwrapped food item, as specified. The bill would revise the definition of “recycled paper bag” to require it be made from a minimum of 50% postconsumer recycled materials on and after January 1, 2028, without exception. The bill would also *prohibit a store from providing a reusable grocery bag to a customer at the point of sale and would* require a reusable grocery bag ~~sold by a store to a customer at~~ *displayed for sale at a location other than the point of sale* to meet different requirements, including that it not be made from plastic film material. The bill would also repeal the provisions relating to certification of reusable grocery bags, and would repeal a provision relating to certain obsolete at-store recycling program requirements. The bill would make related conforming changes.

Vote: 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 42280 of the Public Resources Code is
- 2 amended to read:
- 3 42280. (a) ~~“Department”~~ *For purposes of this chapter, the*
- 4 *following definitions apply:*
- 5 (a) *“Department”* means the Department of Resources
- 6 Recycling and Recovery.

1 (b) “Postconsumer recycled material” means a material that
2 would otherwise be destined for solid waste disposal, having
3 completed its intended end use and product life cycle.
4 Postconsumer recycled material does not include materials and
5 byproducts generated from, and commonly reused within, an
6 original manufacturing and fabrication process.

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

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

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

14 (2) Is accepted for recycling in curbside programs in a majority
15 of households that have access to curbside recycling programs in
16 the state.

17 (3) Has printed on the bag the name of the manufacturer, the
18 country where the bag was manufactured, and the minimum
19 percentage of postconsumer content.

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

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

25 (A) Manufactures reusable grocery bags for sale or distribution
26 to a store.

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

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

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

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

38 (2) A single-use carryout bag does not include any of the
39 following:

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

5 (B) A nonhandled bag used to protect a purchased item from
6 damaging or contaminating other purchased items when placed in
7 a recycled paper bag, a reusable grocery bag, or a compostable
8 plastic bag.

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

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

12 (g) “Store” means a retail establishment that meets any of the
13 following requirements:

14 (1) A full-line, self-service retail store with gross annual sales
15 of two million dollars (\$2,000,000) or more that sells a line of dry
16 groceries, canned goods, or nonfood items, and some perishable
17 items.

18 (2) Has at least 10,000 square feet of retail space that generates
19 sales or use tax pursuant to the Bradley-Burns Uniform Local Sales
20 and Use Tax Law (Part 1.5 (commencing with Section 7200) of
21 Division 2 of the Revenue and Taxation Code) and has a pharmacy
22 licensed pursuant to Chapter 9 (commencing with Section 4000)
23 of Division 2 of the Business and Professions Code.

24 (3) Is a convenience food store, foodmart, or other entity that
25 is engaged in the retail sale of a limited line of goods, generally
26 including milk, bread, soda, and snack foods, and that holds a Type
27 20 or Type 21 license issued by the Department of Alcoholic
28 Beverage Control.

29 (4) Is a convenience food store, foodmart, or other entity that
30 is engaged in the retail sale of goods intended to be consumed off
31 the premises, and that holds a Type 20 or Type 21 license issued
32 by the Department of Alcoholic Beverage Control.

33 (5) Is not otherwise subject to paragraph (1), (2), (3), or (4), if
34 the retail establishment voluntarily agrees to comply with the
35 requirements imposed upon a store pursuant to this chapter,
36 irrevocably notifies the department of its intent to comply with the
37 requirements imposed upon a store pursuant to this chapter, and
38 complies with the requirements established pursuant to Section
39 42284.

1 (h) This section shall remain in effect only until January 1, 2026,
2 and as of that date is repealed.

3 SEC. 2. Section 42280 is added to the Public Resources Code,
4 to read:

5 42280. (a) ~~“Department”~~ *For purposes of this chapter, the*
6 *following definitions apply:*

7 (a) *“Department”* means the Department of Resources
8 Recycling and Recovery.

9 (b) *“Flame-retardant chemical”* has the same meaning as the
10 term *“covered flame retardant chemical,”* as defined in Section
11 19100 of the Business and Professions Code.

12 (c) *“Plastic”* has the same meaning as defined in Section 42041.

13 (d) *“Point of sale”* means a place where purchased goods may
14 be transferred to a customer, including, but not limited to, a
15 checkout counter, self-checkout kiosk, in-store pickup, curbside
16 delivery, and home delivery.

17 ~~(d)~~

18 (e) *“Postconsumer recycled material”* means a material that
19 would otherwise be destined for solid waste disposal, having
20 completed its intended end use and product life cycle.
21 Postconsumer recycled material does not include materials and
22 byproducts generated from, and commonly reused within, an
23 original manufacturing and fabrication process.

24 ~~(e)~~

25 (f) *“Recycled paper bag”* means a paper carryout bag provided
26 by a store to a customer at the point of sale that meets all of the
27 following requirements:

28 (1) Is accepted for recycling in curbside programs in a majority
29 of households that have access to curbside recycling programs in
30 the state.

31 (2) Has printed on the bag the name of the manufacturer, the
32 country where the bag was manufactured, and the percentage of
33 postconsumer content.

34 (3) (A) Contains a minimum of 50 percent postconsumer
35 recycled materials.

36 (B) The requirement in subparagraph (A) applies on and after
37 January 1, 2028.

38 ~~(f)~~

39 (g) *“Reusable grocery bag”* means a bag that is ~~provided~~ *offered*
40 *for sale or distributed* by a store to a customer ~~at the point of sale~~

1 *for the purpose of carrying purchased goods and that meets or*
2 *exceeds the requirements of Section 42281.*

3 ~~(g)~~

4 (h) (1) “Reusable grocery bag producer” means a person or
5 entity that does any of the following:

6 (A) Manufactures reusable grocery bags for sale or distribution
7 to a store.

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

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

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

15 ~~(h)~~

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

20 (2) A single-use carryout bag does not include any of the
21 following:

22 (A) A bag provided by a pharmacy pursuant to Chapter 9
23 (commencing with Section 4000) of Division 2 of the Business
24 and Professions Code to a customer purchasing a prescription
25 medication.

26 (B) A nonhandled bag used to protect a purchased item from
27 damaging or contaminating other purchased items when placed in
28 a recycled paper bag, a reusable grocery bag, or a compostable
29 plastic bag.

30 (C) A precheckout bag, as defined in subdivision (b) of Section
31 42281.2.

32 (D) A nonhandled bag that is designed to be placed over articles
33 of clothing on a hanger, such as a garment bag used in dry cleaning
34 or laundry services.

35 ~~(i)~~

36 (j) “Store” means a retail establishment that meets any of the
37 following requirements:

38 (1) A full-line, self-service retail store with gross annual sales
39 of two million dollars (\$2,000,000) or more that sells a line of dry

1 groceries, canned goods, or nonfood items, and some perishable
2 items.

3 (2) Has at least 10,000 square feet of retail space that generates
4 sales or use tax pursuant to the Bradley-Burns Uniform Local Sales
5 and Use Tax Law (Part 1.5 (commencing with Section 7200) of
6 Division 2 of the Revenue and Taxation Code) and has a pharmacy
7 licensed pursuant to Chapter 9 (commencing with Section 4000)
8 of Division 2 of the Business and Professions Code.

9 (3) Is a convenience food store, foodmart, or other entity that
10 is engaged in the retail sale of a limited line of goods, generally
11 including milk, bread, soda, and snack foods, and that holds a Type
12 20 or Type 21 license issued by the Department of Alcoholic
13 Beverage Control.

14 (4) Is a convenience food store, foodmart, or other entity that
15 is engaged in the retail sale of goods intended to be consumed off
16 the premises, and that holds a Type 20 or Type 21 license issued
17 by the Department of Alcoholic Beverage Control.

18 (5) If not otherwise subject to paragraph (1), (2), (3), or (4), if
19 the retail establishment voluntarily agrees to comply with the
20 requirements imposed upon a store pursuant to this chapter,
21 irrevocably notifies the department of its intent to comply with the
22 requirements imposed upon a store pursuant to this chapter, and
23 complies with the requirements established pursuant to Section
24 42284.

25 ~~(j)~~

26 ~~(k)~~ “Textile” has the same meaning as defined in Section 108970
27 of the Health and Safety Code.

28 ~~(l)~~

29 ~~(l)~~ This section shall become operative on January 1, 2026.

30 SEC. 3. Section 42281 of the Public Resources Code is
31 amended to read:

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 (e) This section shall remain in effect only until January 1, 2026,
32 and as of that date is repealed.

33 SEC. 4. Section 42281 is added to the Public Resources Code,
34 to read:

35 ~~42281. (a) A store, as defined in subdivision (i) of Section~~
36 ~~42280, may sell or distribute~~ *store may display for sale* a reusable
37 grocery bag ~~to a customer at a location other than the point of sale~~
38 ~~only~~ if the reusable bag meets *or exceeds* all of the following
39 requirements:

40 (1) Is made of either of the following:

- 1 (A) Cloth or woven textile. A reusable bag made of cloth or
2 woven textile is not required to meet the requirements of paragraph
3 (4).
- 4 (B) Other washable textile.
- 5 (2) Has at least one strap and all straps and seams are sewn with
6 thread.
- 7 (3) Is capable of carrying 22 pounds over a distance of 175 feet
8 for a minimum of 300 uses.
- 9 (4) Except as provided in subparagraph (A) of paragraph (1),
10 has a minimum fabric weight of 80 grams per square meter (GSM)
11 and is not made from plastic film.
- 12 (5) Has printed on the bag, or on a tag attached to the bag that
13 is not intended to be removed, and in a manner visible to the
14 consumer, all of the following information:
- 15 (A) The name of the manufacturer.
- 16 (B) The country where the bag was manufactured.
- 17 (C) A statement that the bag is a reusable bag and designed for
18 at least 300 uses.
- 19 (D) A statement that the bag does not contain lead, cadmium,
20 flame-retardant chemicals, or any other toxic material that may
21 pose a threat to public health.
- 22 (E) A statement indicating the plastic content of the bag,
23 expressed as a percentage. The percentage disclosed may add up
24 to the federally required textile fiber disclosure for plastic-based
25 fibers. The percentage shall reflect the plastic share of the total
26 mass of the bag.
- 27 (6) Does not contain lead, cadmium, flame-retardant chemicals,
28 or any other toxic material that may pose a threat to public health.
29 This requirement shall not affect any authority of the Department
30 of Toxic Substances Control pursuant to Article 14 (commencing
31 with Section 25251) of Chapter 6.5 of Division 20 of the Health
32 and Safety Code and, notwithstanding subdivision (c) of Section
33 25257.1 of the Health and Safety Code, the reusable grocery bag
34 shall not be considered as a product category already regulated or
35 subject to regulation. This paragraph shall not affect the application
36 of the requirements of Chapter 13.5 (commencing with Section
37 108970) of Part 3 of Division 104 of the Health and Safety Code.
- 38 (7) Complies with Section 260.12 of Part 260 of Title 16 of the
39 Code of Federal Regulations related to recycling claims if the

1 reusable grocery bag producer makes a claim that the reusable
2 grocery bag is recyclable.

3 (b) This section shall become operative on January 1, 2026.

4 SEC. 5. Section 42281.5 of the Public Resources Code is
5 amended to read:

6 42281.5. (a) On and after July 1, 2015, a producer of reusable
7 grocery bags made from plastic film shall not sell or distribute a
8 reusable grocery bag in this state unless the producer is certified
9 by a third-party certification entity pursuant to Section 42282. A
10 producer shall provide proof of certification to the department
11 demonstrating that the reusable grocery bags produced by the
12 producer comply with the provisions of this article. The proof of
13 certification shall include all of the following:

14 (1) Names, locations, and contact information of all sources of
15 postconsumer recycled material and suppliers of postconsumer
16 recycled material.

17 (2) Quantity and dates of postconsumer recycled material
18 purchases by the reusable grocery bag producer.

19 (3) How the postconsumer recycled material is obtained.

20 (4) Information demonstrating that the postconsumer recycled
21 material is cleaned using appropriate washing equipment.

22 (b) This section shall remain in effect only until January 1, 2026,
23 and as of that date is repealed.

24 SEC. 6. Section 42282 of the Public Resources Code is
25 amended to read:

26 42282. (a) Commencing on or before July 1, 2015, the
27 department shall accept from a reusable grocery bag producer
28 proof of certification conducted by a third-party certification entity,
29 submitted under penalty of perjury, for each type of reusable
30 grocery bag that is manufactured, imported, sold, or distributed in
31 the state and provided to a store for sale or distribution, at the point
32 of sale, that meets all the applicable requirements of this article.
33 The proof of certification shall be accompanied by a certification
34 fee, established pursuant to Section 42282.1.

35 (b) A reusable grocery bag producer shall resubmit to the
36 department proof of certification as described in subdivision (a)
37 on a biennial basis. A reusable grocery bag producer shall provide
38 the department with an updated proof of certification conducted
39 by a third-party certification entity if any modification that is not
40 solely aesthetic is made to a previously certified reusable bag.

1 Failure to comply with this subdivision shall result in removal of
2 the relevant information posted on the department's internet
3 website pursuant to paragraphs (1) and (2) of subdivision (e) for
4 each reusable bag that lacks an updated proof of certification
5 conducted by a third-party certification entity.

6 (c) A third-party certification entity shall be an independent,
7 accredited (ISO/IEC 17025) laboratory or a (ISO/IEC 17065)
8 certification body. A third-party certification entity shall certify
9 that the producer's reusable grocery bags meet the requirements
10 of Section 42281.

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

13 (e) On and after July 1, 2015, the department shall publish a list
14 on its internet website that includes both of the following:

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

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

19 (f) A reusable grocery bag producer shall submit applicable
20 certified test results to the department confirming that the reusable
21 grocery bag meets the requirements of this article for each type of
22 reusable grocery bag that is manufactured, imported, sold, or
23 distributed in the state and provided to a store for sale or
24 distribution.

25 (1) A person may object to the certification of a reusable grocery
26 bag producer pursuant to this section by filing an action for review
27 of that certification in the superior court of a county that has
28 jurisdiction over the reusable grocery bag producer. The court shall
29 determine if the reusable grocery bag producer is in compliance
30 with the requirements of this article.

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

34 (3) Based on its determination, the court shall direct the
35 department to remove the reusable grocery bag producer from, or
36 retain the reusable grocery bag producer on, its list published
37 pursuant to subdivision (e).

38 (4) If the court directs the department to remove a reusable
39 grocery bag producer from its published list, the reusable grocery

1 bag producer shall remain off of the published list for a period of
2 one year from the date of the court's determination.

3 (g) This section shall remain in effect only until January 1, 2026,
4 and as of that date is repealed.

5 SEC. 7. Section 42282.1 of the Public Resources Code is
6 amended to read:

7 42282.1. (a) A reusable grocery bag producer shall submit the
8 fee established pursuant to subdivision (b) to the department when
9 providing proof of certification or recertification pursuant to
10 Sections 42281.5 and 42282.

11 (b) The department shall establish an administrative certification
12 fee schedule that will generate fee revenues sufficient to cover,
13 but not exceed, the department's reasonable costs to implement
14 this article. The department shall deposit all moneys submitted
15 pursuant to this section into the Reusable Grocery Bag Fund, which
16 is hereby established in the State Treasury. Notwithstanding
17 Section 11340 of the Government Code, moneys in the fund are
18 continuously appropriated, without regard to fiscal year, to the
19 department for the purpose of implementing this article.

20 (c) This section shall remain in effect only until January 1, 2026,
21 and as of that date is repealed.

22 SEC. 8. Section 42283 of the Public Resources Code is
23 amended to read:

24 42283. (a) Except as provided in subdivision (e), on and after
25 July 1, 2015, a store, as defined in paragraph (1) or (2) of
26 subdivision (g) of Section 42280, shall not provide a single-use
27 carryout bag to a customer at the point of sale.

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

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

36 (3) On and after July 1, 2015, a store, as defined in paragraph
37 (1) or (2) of subdivision (g) of Section 42280, that makes reusable
38 grocery bags available for purchase pursuant to paragraph (2) shall
39 not sell the reusable grocery bag for less than ten cents (\$0.10) in

1 order to ensure that the cost of providing a reusable grocery bag
2 is not subsidized by a customer who does not require that bag.

3 (c) (1) On and after July 1, 2015, a store, as defined in
4 paragraph (1) or (2) of subdivision (g) of Section 42280, shall not
5 sell or distribute a recycled paper bag except as provided in this
6 subdivision.

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

13 (d) Notwithstanding any other law, on and after July 1, 2015,
14 a store, as defined in paragraph (1) or (2) of subdivision (g) of
15 Section 42280, that makes reusable grocery bags or recycled paper
16 bags available for purchase at the point of sale shall provide a
17 reusable grocery bag or a recycled paper bag at no cost at the point
18 of sale to a customer using a payment card or voucher issued by
19 the California Special Supplemental Nutrition Program for Women,
20 Infants, and Children pursuant to Article 2 (commencing with
21 Section 123275) of Chapter 1 of Part 2 of Division 106 of the
22 Health and Safety Code or an electronic benefit transfer card issued
23 pursuant to Section 10072 of the Welfare and Institutions Code.

24 (e) On and after July 1, 2015, a store, as defined in paragraph
25 (1) or (2) of subdivision (g) of Section 42280, may distribute a
26 compostable bag at the point of sale, if the compostable bag is
27 provided to the consumer at the cost specified pursuant to
28 paragraph (2), the compostable bag, at a minimum, meets the
29 American Society for Testing and Materials (ASTM) International
30 Standard Specification for Compostable Plastics D6400, as
31 updated, and in the jurisdiction where the compostable bag is sold
32 and in the jurisdiction where the store is located, both of the
33 following requirements are met:

34 (1) A majority of the residential households in the jurisdiction
35 have access to curbside collection of food waste for composting.

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

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

6 (g) This section shall remain in effect only until January 1, 2026,
7 and as of that date is repealed.

8 SEC. 9. Section 42283 is added to the Public Resources Code,
9 to read:

10 42283. (a) ~~Except as provided in subdivision (b), on and after~~
11 ~~January 1, 2026, a~~ A store shall not provide a single-use carryout
12 bag or a reusable grocery bag to a customer at the point of sale.

13 ~~(b) (1) On and after January 1, 2026, a store may sell or~~
14 ~~distribute at the point of sale a reusable grocery bag that meets the~~
15 ~~requirements of Section 42281.~~

16 ~~(2) On and after January 1, 2026, a store that sells reusable~~
17 ~~grocery bags pursuant to paragraph (1) shall not sell the reusable~~
18 ~~grocery bag for less than ten cents (\$0.10) in order to ensure that~~
19 ~~the cost of providing a reusable grocery bag is not subsidized by~~
20 ~~a customer who does not require that bag.~~

21 (e)

22 (b) (1) ~~On and after January 1, 2026, a~~ A store shall not sell or
23 distribute a recycled paper bag except as provided in this
24 subdivision.

25 (2) A store may make available for purchase a recycled paper
26 bag but shall not sell a recycled paper bag for less than ten cents
27 (\$0.10) in order to ensure that the cost of providing a recycled
28 paper bag is not subsidized by a consumer who does not require
29 that bag.

30 ~~(d)~~

31 (c) Notwithstanding any other law, ~~on and after January 1, 2026,~~
32 a store that makes recycled paper bags available for purchase at
33 the point of sale shall provide a recycled paper bag at no cost at
34 the point of sale to a customer using a payment card or voucher
35 issued by the California Special Supplemental Food Program for
36 Women, Infants, and Children pursuant to Article 2 (commencing
37 with Section 123275) of Chapter 1 of Part 2 of Division 106 of
38 the Health and Safety Code or an electronic benefit transfer card
39 issued pursuant to Section 10072 of the Welfare and Institutions
40 Code.

1 ~~(e)~~

2 ~~(d)~~ A store shall not require a customer to use, purchase, or
3 accept a recycled paper bag, compostable bag, or reusable grocery
4 bag as a condition of sale of any product.

5 ~~(f)~~

6 ~~(e)~~ This section shall become operative on January 1, 2026.

7 SEC. 10. Section 42283.5 of the Public Resources Code is
8 amended to read:

9 42283.5. (a) On and after July 1, 2016, a store, as defined in
10 paragraph (3), (4), or (5) of subdivision (g) of Section 42280, shall
11 comply with the same requirements of Section 42283 that are
12 imposed upon a store, as defined in paragraph (1) or (2) of
13 subdivision (g) of Section 42280.

14 (b) This section shall remain in effect only until January 1, 2026,
15 and as of that date is repealed.

16 SEC. 11. Section 42283.5 is added to the Public Resources
17 Code, to read:

18 42283.5. (a) A store, as defined in paragraph (5) of subdivision
19 ~~(i)~~ (j) of Section 42280, shall comply with the same requirements
20 of Section 42283 that are imposed upon a store, as defined in
21 paragraphs (1) to (4), inclusive, of subdivision ~~(i)~~ (j) of Section
22 42280.

23 (b) This section shall become operative on January 1, 2026.

24 SEC. 12. Section 42283.6 of the Public Resources Code is
25 amended to read:

26 42283.6. (a) The operator of a store, as defined in paragraph
27 (1) or (2) of subdivision (g) of Section 42280 that makes recycled
28 paper or reusable grocery bags available at the point of sale, shall
29 be subject to the provisions of the at-store recycling program
30 (Chapter 5.1 (commencing with Section 42250)).

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

35 (c) This section shall remain in effect only until January 1, 2026,
36 and as of that date is repealed.

37 SEC. 13. Section 42284 of the Public Resources Code is
38 amended to read:

1 42284. (a) A retail establishment not specifically required to
2 comply with the requirements of this chapter is encouraged to
3 reduce its distribution of single-use plastic carryout bags.

4 (b) Pursuant to the provisions of subdivision (g) of Section
5 42280, any retail establishment that is not a “store,” that provides
6 the department with the irrevocable written notice as specified in
7 subdivision (c), shall be regulated as a “store” for the purposes of
8 this chapter.

9 (c) The irrevocable written notice shall be dated and signed by
10 an authorized representative of the retail establishment, and shall
11 include the name and physical address of all retail locations covered
12 by the notice. The department shall acknowledge receipt of the
13 notice in writing and shall specify the date the retail establishment
14 will be regulated as a “store,” which shall not be less than 30 days
15 after the date of the department’s acknowledgment. The department
16 shall post on its internet website, organized by county, the name
17 and physical location or locations of each retail establishment that
18 has elected to be regulated as a “store.”

19 (d) This section shall remain in effect only until January 1, 2026,
20 and as of that date is repealed.

21 SEC. 14. Section 42284 is added to the Public Resources Code,
22 to read:

23 42284. (a) A retail establishment not specifically required to
24 comply with the requirements of this chapter is encouraged to
25 reduce its distribution of single-use plastic carryout bags.

26 (b) Pursuant to the provisions of paragraph (5) of subdivision
27 ~~(i)~~ (j) of Section 42280, any retail establishment that is not a
28 “store,” that provides the department with the irrevocable written
29 notice as specified in subdivision (c), shall be regulated as a “store”
30 for the purposes of this chapter.

31 (c) The irrevocable written notice shall be dated and signed by
32 an authorized representative of the retail establishment, and shall
33 include the name and physical address of all retail locations covered
34 by the notice. The department shall acknowledge receipt of the
35 notice in writing and shall specify the date the retail establishment
36 will be regulated as a “store,” which shall not be less than 30 days
37 after the date of the department’s acknowledgment. The department
38 shall post on its internet website, organized by county, the name
39 and physical location or locations of each retail establishment that
40 has elected to be regulated as a “store.”

- 1 (d) This section shall become operative on January 1, 2026.

O