

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 2449

Introduced by Assembly Member Levine

February 23, 2006

An act to add Chapter 5.1 (commencing with Section 42247) to Part 3 of Division 30 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 2449, as amended, Levine. Recycling: plastic bags.

The California Integrated Waste Management Act of 1989 establishes an integrated waste management program and establishes requirements for the recycling and reuse of various products, including metallic discards, compost, plastic packaging containers, and newsprint. Existing law requires every manufacturer that manufactures specified plastic trash bags to ensure that at least 10% of the weight of the regulated bags, or that at least 30% of the weight of the material used, in all of its plastic products intended for sale in this state is recycled plastic postconsumer material.

~~This bill would declare the intention of the Legislature to enact legislation to create a program to recycle Low Density Polyethylene (LDPE) bags.~~

This bill would require a store, as defined, to establish an in-store recycling program that provides an opportunity for a customer of the store to return a plastic bag provided by the store back to that store. The bill would require a plastic bag provided by a store to have specified information printed or displayed on the bag, and would require the placement of a plastic bag collection bin be placed in each

store that is visible and easily accessible to the consumer. The bill would also require a store to make reusable bags available to customers, for purchase.

The bill would require a manufacturer of plastic bags to provide any needed assistance to any person who owns more than one store to develop in-store recycling programs for each individual store.

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. ~~(a)~~The Legislature finds and declares all of the
2 following:

3 ~~(1)~~

4 (a) On a global level, the production of plastic bags has
5 significant environmental impacts each year, including the use of
6 over 12 million barrels of oil, and the deaths of thousands of
7 marine animals through ingestion and entanglement.

8 ~~(2)~~

9 (b) Each year, an estimate 500 billion to 1 trillion plastic bags
10 are used worldwide, which is over one million bags per minute,
11 and of which billions of bags end up as litter each year.

12 ~~(3)~~

13 (c) Most plastic bags don't biodegrade, but photograde, which
14 means that the bags break down into smaller and smaller toxic
15 bits that contaminate soil and waterways and enter in the food
16 web when animals accidentally ingest those materials.

17 SEC. 2. Chapter 5.1 (commencing with Section 42247) is
18 added to Part 3 of Division 30 of the Public Resources Code, to
19 read:

20

21 CHAPTER 5.1. IN-STORE RECYCLING PROGRAM

22

23 42247. For purposes of this chapter, the following definitions
24 shall apply:

25 (a) "Store" means a retail establishment in the state that
26 meets both of the following requirements:

27 (1) The store has over 40,000 square feet of retail space.

1 (2) *More than 5 percent of the store's merchandise is not*
2 *subject to a sales or use tax pursuant to Part 1 (commencing with*
3 *Section 6001) of Division 2 of the Revenue and Taxation Code.*

4 (b) *“Manufacturer” means the producer of a plastic carryout*
5 *bag sold to a store.*

6 (c) *“Plastic bag” means a plastic carryout bag provided by a*
7 *store to a customer.*

8 42248. *A store shall establish an in-store recycling program*
9 *pursuant to this chapter that provides an opportunity for a*
10 *customer of the store to return a plastic bag provided by the*
11 *store back to that store.*

12 42249. *An in-store recycling program provided by a store*
13 *shall include all of the following:*

14 (a) *A plastic bag provided by the store shall have printed or*
15 *displayed on the bag, in a manner visible to a consumer, the*
16 *words “RETURN TO STORE FOR RECYCLING.” The message*
17 *printed or displayed on a bag pursuant to this subdivision shall*
18 *be in bold capital letters with a minimum font size of 14.*

19 (b) *A plastic bag collection bin shall be placed in each store*
20 *and shall be visible and easily accessible to the consumer.*

21 (c) *For store shall make reusable bags available to customers,*
22 *which may be purchased in lieu of using a plastic or paper bag.*

23 (d) *The returned plastic bags shall be collected, transported,*
24 *and recycled in accordance with this division.*

25 42249.1. *A manufacturer shall provide any needed assistance*
26 *to a person who owns more than one store to develop in-store*
27 *recycling programs for each individual store owned by that*
28 *person, to ensure that the plastic bags are collected, transported,*
29 *and recycled in accordance with this division.*

30 ~~(4) There are many types of plastic in common use, and the~~
31 ~~plastic industry divides plastic into seven distinct types and uses~~
32 ~~a number code. Most plastic bags are made of Plastic #4 Low~~
33 ~~Density Polyethylene (LDPE), which is a thermoplastic made of~~
34 ~~oil.~~

35 ~~(5) Since its implementation, the California Beverage~~
36 ~~Container Recycling and Litter Reduction Act (Division 12.1~~
37 ~~(commencing with Section 14500) of the Public Resources Code)~~
38 ~~has contributed significantly to the reduction of the beverage~~
39 ~~container component of litter in California. Establishing a similar~~

1 ~~program to address the growing plastic bag problem would~~
2 ~~therefore be beneficial to the state.~~
3 ~~(b) It is the intent of the Legislature to enact legislation that~~
4 ~~would create a recycling program, similar to the California~~
5 ~~Beverage Container Recycling and Litter Reduction Act, for the~~
6 ~~recycling of Plastic #4 Low Density Polyethylene (LDPE) bags.~~