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BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 8. SPECIAL BUSINESS REGULATIONS [18400 - 22949.92.2] (*Division 8 added by Stats. 1941, Ch. 44.*)

CHAPTER 13. Polyethylene Plastic Materials [22200 - 22205] (*Chapter 13 added by Stats. 1959, Ch. 1546.*)

22200. No bag made of plastic material of an average gauge thinner than 0.001 inch which is large enough to fit over a child's head shall be used by any business establishment as a container for products delivered to purchasers, or by any other business establishment to package articles delivered to customers or other persons doing business with the establishment, or, after January 1, 1988, shall be directly sold, delivered, or given to any business establishment located in the State of California by any manufacturer, supplier, or distributor after January 1, 1988, unless there is printed upon such bag, or upon a gummed label which is securely attached to such bag, in clear legible type the following: "CAUTION—KEEP AWAY FROM SMALL CHILDREN. THE THIN FILM MAY CLING TO NOSE AND MOUTH AND PREVENT BREATHING," or a similar warning that the bag is dangerous to small children. This section shall not apply to those plastic bags which are used exclusively for industrial purposes.

(Amended by Stats. 1988, Ch. 109, Sec. 2. Effective May 17, 1988.)

22201. As used in this chapter, "a bag large enough to fit over a child's head" means any bag which, when open, has an opening larger than 25 square inches or a capacity of more than 125 cubic inches.

(Added by Stats. 1959, Ch. 1546.)

22202. As used in this chapter, "clear legible type" means type which meets all the following qualifications:

- (a) Is clear and legible.
- (b) Is of a bright color which will be clearly visible against either a light or a dark background.
- (c) Is printed by some method other than rubber stamp, such as by offset or letterpress, so as to prevent the ink from smearing and to insure that the printed matter will be clear and distinct.
- (d) Is not less than the following size:

Total of length and width	
of bag combined	Size of type
Less than 30 inches	10 point
30 inches or more, but less than 40 inches	14 point
40 inches or more, but less than 60 inches	18 point
60 inches or more	24 point

(Added by Stats. 1961, Ch. 197.)

22203. No bag made of polyethylene plastic material thinner than 0.001 inch which is large enough to fit over a child's head shall be used, after the effective date of this section, by any retail store as a container for products, other than for food products weighing not more than five pounds, delivered to purchasers, or by any other retail business establishment to package articles delivered to customers, if any cartoon, picture, or caricature is on such bag which cartoon, picture, or caricature will, or will have a tendency to, facilitate or encourage the use of such bag as a toy by children under 12 years of age.

This section does not prohibit legitimate advertising which does not facilitate or encourage the use of such bag as a toy.

(Added by Stats. 1961, Ch. 197.)

22205. Any violation of this chapter is a misdemeanor.

(Added by renumbering Section 22202 by Stats. 1961, Ch. 197.)