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AB-1570 Public resources: omnibus bill. (2021-2022)

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Assembly Bill No. 1570

CHAPTER 755

An act to amend Sections 4740, 4741, 31108, 42282, and 42370.1 of the Public Resources Code, relating to public resources.

[Approved by Governor October 09, 2021. Filed with Secretary of State October 09, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1570, Committee on Natural Resources. Public resources: omnibus bill.

(1) Existing law requires the Department of Forestry and Fire Protection to assist local governments in preventing future wildland fire and vegetation management problems by making its wildland fire prevention and vegetation management expertise available to local governments to the extent possible within the department's budgetary limitations.

This bill instead would require the department to assist local governments in preventing future high-intensity wildland fires and instituting appropriate fuels management by making its wildland fire prevention and vegetation management expertise available to local governments to the extent possible within the department's budgetary limitations. The bill would explicitly define, for these purposes, "local governments" to include cities, counties, and special districts. The bill would also make changes to related findings and declarations by the Legislature.

(2) Existing law establishes the State Coastal Conservancy with prescribed powers and responsibilities for implementing a program of agricultural land preservation, area restoration, and resource enhancement within the coastal zone, as defined. Existing law requires the conservancy to develop and implement a Lower Cost Coastal Accommodations Program to facilitate improvement of existing, and the development of new, lower cost accommodations within 1¹/₂ miles of the coast.

Existing law requires, commencing on January 2, 1980, and every 3rd year thereafter, the conservancy to prepare and submit to the Governor and to the Legislature a report describing progress in achieving the objectives of the conservancy. Existing law specifies certain items to be included in the report.

This bill would, among other things, additionally require the report to include a discussion of the conservancy's progress in implementing the Lower Cost Coastal Accommodations Program.

(3) Existing law authorizes a store to sell or distribute a reusable grocery bag to a customer at the point of sale only if the reusable bag is made by a certified producer, as provided. Existing law requires the Department of Resources Recycling and Recovery to accept from a reusable grocery bag producer proof of certification conducted by a third-party certification entity, for each type of reusable grocery bag that is manufactured, imported, sold, or distributed in the state and provided to a store for sale or distribution, at the point of sale, as provided. Existing law specifies that a third-party certification entity is an independent, accredited (ISO/IEC 17025) laboratory.

This bill would also specify that a third-party certification entity is a (ISO/IEC 17065) certification body. The bill would also correct an erroneous cross-reference.

(4) The Sustainable Packaging for the State of California Act of 2018 prohibits a food service facility located in a state-owned facility, operating on or acting as a concessionaire on state property, or under contract to provide food service to a state agency from dispensing prepared food using a type of food service packaging unless the type of food service packaging is on a list that the act requires the Department of Resources Recycling and Recovery to publish and maintain on its internet website that contains types of approved food service packaging that are reusable, recyclable, or compostable. The act defines "food service packaging" as a product used for serving or transporting prepared, ready-to-consume food or beverages, including, but not limited to, plates, cups, bowls, trays, and hinged or lidded containers. The act excludes from the definition of "food service packaging" beverage containers, as defined, single-use disposable items, such as straws, cup lids, plastic bags, and utensils, and single-use disposable packaging for unprepared foods.

This bill would additionally exclude from the definition of "food service packaging" ceramic, porcelain, glass, or nonfoil metal food service packaging that is cleaned and reused by the food service facility, products defined as drugs, devices, or medical food pursuant to federal law, and products used at specified facilities, including health facilities, residential care facilities, and community care facilities, as provided.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4740 of the Public Resources Code is amended to read:

4740. The Legislature hereby finds and declares all of the following:

(a) The department has extensive technical expertise in wildland fire prevention and vegetation management on forest, range, and watershed lands. When appropriately applied, this expertise can have significant public resource benefits, including decreasing high-intensity wildland fires, improving watershed management, range improvement, improving vegetation management, forest improvement, wildlife habitat improvement, restoring ecological integrity and resilience, improving community wildfire protection, improving carbon resilience, providing enhancement of culturally important resources, and maintenance of air quality.

(b) Because of the scope of the problem of high-intensity wildland fires and expertise of the department, local governments, including cities, counties, and special districts, need assistance in preventing future problems resulting from inadequate fire prevention planning and vegetation management.

(c) California will benefit if existing state expertise is made available to local governments, including cities, counties, and special districts, thereby integrating those efforts.

SEC. 2. Section 4741 of the Public Resources Code is amended to read:

4741. (a) In accordance with policies established by the board, the department shall assist local governments in preventing future high-intensity wildland fires and instituting appropriate fuels management by making its wildland fire prevention and vegetation management expertise available to local governments to the extent possible within the department's budgetary limitations.

(b) Any department recommendations made pursuant to subdivision (a) shall be advisory in nature and local governments shall not be required to follow those recommendations.

(c) This section does not alter the existing obligations of a local government or affect the existing liability of any local government.

(d) For purposes of this section, "local governments" include cities, counties, and special districts.

SEC. 3. Section 31108 of the Public Resources Code is amended to read:

31108. On January 2, three years after the most recent report was submitted, the conservancy shall prepare and submit to the Governor and to the Legislature a report describing progress in achieving the objectives of this division and shall prepare and submit an additional report every three years thereafter. The report shall include the following:

(a) An evaluation of the effectiveness of the conservancy's programs in preserving agricultural lands, restoring coastal habitat, providing public access to the coastline, and in undertaking other functions prescribed in this division.

(b) Identification of additional funding, legislation, or other resources required to more effectively carry out the objectives of this division.

(c) A discussion of its progress in addressing the goals, priority areas, and concerns referenced in subdivision (a) of Section 31163, including, but not limited to, any funds that are received or disbursed for purposes related to addressing those goals, priority areas, and concerns.

(d) A discussion of its progress in implementing the Lower Cost Coastal Accommodations Program established pursuant to Section 31412.

SEC. 4. Section 42282 of the Public Resources Code is amended to read:

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

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

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

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

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

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

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

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

(1) A person may object to the certification of a reusable grocery bag producer pursuant to this section 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 court shall determine if the reusable grocery bag producer is in compliance with the requirements of this article.

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

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

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

SEC. 5. Section 42370.1 of the Public Resources Code is amended to read:

42370.1. For purposes of this chapter, the following terms have the following meanings:

(a) "Beverage container" has the same meaning as defined in Section 14505.

(b) "Food service facility" means an operation or business that is located in a state-owned facility, operating on or acting as a concessionaire on state property, or under contract to provide food service to a state agency and that stores, prepares, packages, serves, vends, or otherwise provides prepared food. "Food service facility" may include, but is not limited to, a cafeteria, commissary, restaurant, deli, store, shop, market, or mobile food unit.

(c) (1) "Food service packaging" means a product used for serving or transporting prepared, ready-to-consume food or beverages, including, but not limited to, plates, cups, bowls, trays, and hinged or lidded containers.

(2) "Food service packaging" does not include any of the following:

(A) Straws, cup lids, plastic bags, and utensils.

(B) Single-use disposable packaging for unprepared foods.

(C) Beverage containers.

(D) Ceramic, porcelain, glass, or nonfoil metal food service packaging that is cleaned and reused by the food service facility.

(E) Products defined as drugs, devices, or medical food pursuant to the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Secs. 321(g), 321(h), and 360ee(b)(3)) and recommended or prescribed by a medical professional or otherwise determined by a food service facility to be reasonably necessary for accommodating medical- or health-related needs, including packaging used for these products.

(F) Products, including, but not limited to, devices, adaptors, utensils, and containers, used at any of the following types of facilities and recommended or prescribed by a medical professional or otherwise determined by a food service facility to be reasonably necessary intended to assist the facility's residents or other individuals receiving care at the facility in the performance of functions related to the service and consumption of food or to otherwise protect the facility's residents' or other individual's health or safety, if the facility determines that the products, or their functional equivalents as determined by the facility, are not on the list developed by the department pursuant to Section 42370.3:

(i) A health facility, as defined in Section 1250 of the Health and Safety Code.

(ii) A residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code.

(iii) A community care facility, as defined in subdivision (a) of Section 1502 of the Health and Safety Code.

(iv) Any other facility that provides medical treatment or other health-related services to patients under the care of a medical professional.

(d) "Prepared food" means a food or beverage prepared for consumption on or off a food service facility's premises, using any cooking or food preparation technique. "Prepared food" does not include prepackaged, sealed food that is mass produced by a third party off the premises of the food service facility.