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SB-38 Beverage containers. (2021-2022)

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Senate Bill No. 38

CHAPTER 977

An act to amend Section 14573.5 of, and to add Section 14549.4 to, the Public Resources Code, relating to solid waste.

[Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 38, Wieckowski. Beverage containers.

The California Beverage Container Recycling and Litter Reduction Act requires every beverage container sold or offered for sale in this state to have a minimum refund value. Under the act, the Department of Resources Recycling and Recovery is required to calculate a processing fee for each beverage container with a specified scrap value, which is required to be paid by beverage manufacturers for each beverage container sold or transferred to a distributor or dealer, and requires a processor to pay a certified recycling center or other program the refund value, a percentage of the refund value for administrative costs, and the processing payment. The act provides that a violation of the act or a regulation adopted pursuant to the act is a crime.

This bill would require a processor to make those payments by check or electronic fund transfer, and not by cash payment. By increasing the scope of a crime relating to beverage containers, this bill would impose a state-mandated local program.

Existing law requires each glass container manufacturer to use a minimum percentage of 35% of postfilled glass in the manufacturing of its glass food, drink, or beverage containers, except as specified.

This bill would require the Department of Resources Recycling and Recovery to study and develop a system or process to address the issue of glass contamination to improve the quality of glass material collected.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

SECTION 1. Section 14549.4 is added to the Public Resources Code, to read:

14549.4. The department shall study and develop a system or process to address the issue of glass contamination to improve the quality of glass material collected.

SEC. 2. Section 14573.5 of the Public Resources Code is amended to read:

14573.5. (a) Except as provided in Section 14573.6, a processor shall pay, by check or electronic transfer, to a certified recycling center, dropoff or collection program, or curbside program, for all types of empty beverage containers, by type of beverage container, received by the processor from a recycling center, curbside program, or dropoff or collection program, upon receipt by the certified processor of a shipping report from the supplier of the material, in the form adopted by the regulations adopted by the department. A processor shall not make the payment in cash. The payment shall include the sum of all of the following amounts:

- (1) The refund value.
- (2) Three-fourths of 1 percent of the refund value for administrative costs.
- (3) The processing payment established pursuant to Section 14575.

(b) The processor shall make the payment required in subdivision (a) within two working days of the date that the processor receives these empty beverage containers, or within the time which the department determines to be necessary and adequate. Under the procedures authorized by the department, the department may authorize a certified recycling center to cancel containers, and a certified processor may authorize a certified recycling center to cancel containers on behalf of the certified processor.

(c) If the department has set up an accounts receivable procedure or other procedure for seeking the payment of money improperly obtained by a certified recycling center from the fund, the department may reimburse the processor for its payments to that certified recycling center.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.