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SB-1053 Solid waste: recycled paper bags: standards: carryout bag prohibition. (2023-2024)

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Senate Bill No. 1053

CHAPTER 453

An act to amend and renumber the heading of Article 1 (commencing with Section 42280) of Chapter 5.3 of Part 3 of Division 30 of, to amend and repeal Sections 42281, 42281.5, 42282, and 42282.1 of, to amend, repeal, and add Sections 42280, 42283, 42283.5, and 42284 of, to add Article 1 (commencing with Section 42279) to Chapter 5.3 of Part 3 of Division 30 of, and to repeal Section 42283.6 of, the Public Resources Code, relating to solid waste.

[Approved by Governor September 22, 2024. Filed with Secretary of State September 22, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1053, Blakespear. Solid waste: recycled paper bags: standards: carryout bag prohibition.

Existing law prohibits a store, as defined, from providing a single-use carryout bag to a customer at the point of sale, with specified exceptions, including an exemption for bags used to contain unwrapped food. Existing law defines a "single-use carryout bag" as a bag made of plastic, paper, or other material that is provided by a store to a customer at the point of sale and that is not a recycled paper bag or a reusable grocery bag that meets specified requirements, including that the bag be made by a certified reusable grocery bag producer and meets 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 of Resources Recycling and Recovery, 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, recast the definition of a "single-use carryout bag" to a "carryout bag," and would revise the definition to mean a bag made of plastic, paper, or other material that is provided by a store to a customer at the point of sale for the purpose of carrying purchased goods and that is not a recycled paper bag. The bill would create a 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, distributing, or selling a carryout bag to a customer at the point of sale, except as provided. The bill would also repeal the provisions relating to standards for and the certification of reusable grocery bags, and would repeal a provision relating to certain obsolete at-store recycling program requirements. The bill would make related legislative findings and declarations and would make related conforming changes.

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

SECTION 1. Article 1 (commencing with Section 42279) is added to Chapter 5.3 of Part 3 of Division 30 of the Public Resources Code, to read:

Article 1. Legislative Findings and Declarations

42279. (a) The Legislature finds and declares both of the following:

(1) In November 2016, voters approved Proposition 67, a statewide referendum to uphold Senate Bill 270 (Chapter 850 of the Statutes of 2014) that banned single-use carryout bags. As a result, most grocery stores, retail stores with a pharmacy, convenience food stores, foodmarts, and liquor stores no longer provide single-use, lightweight, plastic carryout bags to their customers at the point of sale.

(2) Senate Bill 270 (Chapter 850 of the Statutes of 2014) allowed the use of thicker plastic carryout bags that were deemed reusable if they met specified standards. These thicker plastic carryout bags were not generally reused by consumers and resulted in an increased amount of plastic and plastic waste.

(b) It is the intent of the Legislature to do all of the following:

(1) Support and reflect the will of California voters who voted to ban the distribution of plastic carryout bags at stores.

(2) Incentivize California consumers to bring their own reusable bag for carrying out store purchases, with stores encouraging and supporting this practice, which will reduce the costly and wasteful practice of relying on store-provided carryout bags.

(3) Support sustainable and thriving communities and natural environments that are not burdened with pollution from plastic production nor littered with plastic waste.

(4) Eliminate plastic film carryout bags from grocery store distribution and increase the recycling of paper carryout bags.

(5) Reduce the proliferation of plastic pollution by eliminating the existing provision of law that allows plastic film carryout bags to be distributed as reusable bags under the state's bag ban.

SEC. 2. The heading of Article 1 (commencing with Section 42280) of Chapter 5.3 of Part 3 of Division 30 of the Public Resources Code is amended and renumbered to read:

Article 1.5. Definitions

SEC. 3. Section 42280 of the Public Resources Code is amended to read:

42280. For purposes of this chapter, the following definitions apply:

(a) "Department" means the Department of Resources Recycling and Recovery.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) "Store" means a retail establishment that meets any of the following requirements:

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

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

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

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

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

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

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

42280. For purposes of this chapter, the following definitions apply:

(a) (1) "Carryout bag" means a bag of plastic, paper, or other material that is provided by a store to a customer at the point of sale for the purpose of carrying purchased goods and that is not a recycled paper bag.

(2) A carryout bag does not include any of the following:

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

(B) A nonhandled bag used to protect a purchased item from damaging or contaminating other purchased items when placed in a recycled paper bag or a compostable plastic bag.

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

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

(b) "Department" means the Department of Resources Recycling and Recovery.

(c) "Point of sale" means a place where purchased goods may be transferred to a customer, including, but not limited to, a checkout counter, self-checkout kiosk, in-store pickup, curbside delivery, and home delivery.

(d) "Postconsumer recycled material" means a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Postconsumer recycled material does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.

(e) "Recycled paper bag" means a paper carryout bag provided by a store to a customer at the point of sale that meets all of the following requirements:

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

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

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

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

(f) "Store" means a retail establishment that meets any of the following requirements:

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

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

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

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

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

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

SEC. 5. Section 42281 of the Public Resources Code is amended to read:

42281. (a) On and after July 1, 2015, a store, as defined in paragraph (1) or (2) of subdivision (g) of Section 42280, may sell or distribute a reusable grocery bag to a customer at the point of sale only if the reusable bag is made by a producer certified pursuant to this article to meet all of the following requirements:

(1) Has a handle and is designed for at least 125 uses, as provided in this article.

(2) Has a volume capacity of at least 15 liters.

(3) Is machine washable or made from a material that can be cleaned and disinfected.

(4) Has printed on the bag, or on a tag attached to the bag that is not intended to be removed, and in a manner visible to the consumer, all of the following information:

(A) The name of the manufacturer.

(B) The country where the bag was manufactured.

(C) A statement that the bag is a reusable bag and designed for at least 125 uses.

(D) If the bag is eligible for recycling in the state, instructions to return the bag to the store for recycling or to another appropriate recycling location. If recyclable in the state, the bag shall include the chasing arrows recycling symbol or the term "recyclable," consistent with the Federal Trade Commission guidelines use of that term, as updated.

(5) Does not contain lead, cadmium, or any other toxic material that may pose a threat to public health. A reusable bag manufacturer may demonstrate compliance with this requirement by obtaining a no objection letter from the federal Food and Drug Administration. This requirement shall not affect any authority of the Department of Toxic Substances Control pursuant to Article 14 (commencing with Section 25251) of Chapter 6.5 of Division 20 of the Health and Safety Code and, notwithstanding subdivision (c) of Section 25257.1 of the Health and Safety Code, the reusable grocery bag shall not be considered as a product category already regulated or subject to regulation.

(6) Complies with Section 260.12 of Part 260 of Title 16 of the Code of Federal Regulations related to recyclable claims if the reusable grocery bag producer makes a claim that the reusable grocery bag is recyclable.

(b) (1) In addition to the requirements in subdivision (a), a reusable grocery bag made from plastic film shall meet all of the following requirements:

(A) On and after January 1, 2016, it shall be made from a minimum of 20 percent postconsumer recycled material.

(B) On and after January 1, 2020, it shall be made from a minimum of 40 percent postconsumer recycled material.

(C) It shall be recyclable in this state, and accepted for return at stores subject to the at-store recycling program (Chapter 5.1 (commencing with Section 42250)) for recycling.

(D) It shall have, in addition to the information required to be printed on the bag or on a tag, pursuant to paragraph (4) of subdivision (a), a statement that the bag is made partly or wholly from postconsumer recycled material and stating the postconsumer recycled material content percentage, as applicable.

(E) It shall be capable of carrying 22 pounds over a distance of 175 feet for a minimum of 125 uses and be at least 2.25 mils thick, measured according to the American Society of Testing and Materials (ASTM) Standard D6988-13.

(2) A reusable grocery bag made from plastic film that meets the specifications of the American Society of Testing and Materials (ASTM) International Standard Specification for Compostable Plastics D6400, as updated, is not required to meet the requirements of subparagraph (A) or (B) of paragraph (1), but shall be labeled in accordance with the applicable state law regarding compostable plastics.

(c) In addition to the requirements of subdivision (a), a reusable grocery bag that is not made of plastic film and that is made from any other natural or synthetic fabric, including, but not limited to, woven or nonwoven nylon, polypropylene, polyethylene-terephthalate, or Tyvek, shall satisfy all of the following:

(1) It shall be sewn.

(2) It shall be capable of carrying 22 pounds over a distance of 175 feet for a minimum of 125 uses.

(3) It shall have a minimum fabric weight of at least 80 grams per square meter.

(d) On and after July 1, 2016, a store as defined in paragraph (3), (4), or (5) of subdivision (g) of Section 42280, shall comply with the requirements of this section.

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

SEC. 6. Section 42281.5 of the Public Resources Code is amended to read:

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

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

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

(3) How the postconsumer recycled material is obtained.

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

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

SEC. 7. 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 both 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.

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

SEC. 8. Section 42282.1 of the Public Resources Code is amended to read:

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

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

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

SEC. 9. Section 42283 of the Public Resources Code is amended to read:

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

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

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

(3) On and after July 1, 2015, a store, as defined in paragraph (1) or (2) of subdivision (g) of Section 42280, that makes reusable grocery bags available for purchase pursuant to paragraph (2) shall not sell the reusable grocery bag for less than ten cents (\$0.10) in order to ensure that the cost of providing a reusable grocery bag is not subsidized by a customer who does not require that bag.

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

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

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

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

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

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

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

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

SEC. 10. Section 42283 is added to the Public Resources Code, to read:

42283. (a) Except as provided in subdivisions (b) and (c), a store shall not provide, distribute, or sell a carryout bag at the point of sale.

(b) (1) A store may make available for purchase at the point of sale a recycled paper bag but shall not sell a recycled paper bag for less than ten cents (\$0.10) in order to ensure that the cost of providing a recycled paper bag is not subsidized by a consumer who does not require that bag.

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

(c) A store may provide at the point of sale a carryout bag that meets the requirements of subparagraph (A), (B), or (D) of paragraph (2) of subdivision (a) of Section 42280.

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

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

SEC. 11. Section 42283.5 of the Public Resources Code is amended to read:

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

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

SEC. 12. Section 42283.5 is added to the Public Resources Code, to read:

42283.5. (a) A store, as defined in paragraph (5) of subdivision (f) of Section 42280, shall comply with the same requirements of Section 42283 that are imposed upon a store, as defined in paragraphs (1) to (4), inclusive, of subdivision (f) of Section 42280.

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

SEC. 13. Section 42283.6 of the Public Resources Code is repealed.

SEC. 14. Section 42284 of the Public Resources Code is amended to read:

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

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

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

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

SEC. 15. Section 42284 is added to the Public Resources Code, to read:

42284. (a) A retail establishment not specifically required to comply with the requirements of this chapter is encouraged to reduce its distribution of carryout bags.

(b) Pursuant to the provisions of paragraph (5) of subdivision (f) of Section 42280, any retail establishment that is not a "store," that provides the department with the irrevocable written notice as specified in subdivision (c), shall be regulated as a "store" for the purposes of this chapter.

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

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