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SB-45 Recycling: beverage containers: tethered plastic caps. (2025-2026)

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

SENATE BILL

NO. 45

Introduced by Senators Padilla and Blakespear

December 12, 2024

An act to repeal and add Section 14548 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

SB 45, as amended, Padilla. Recycling: beverage containers: tethered plastic caps.

The California Beverage Container Recycling and Litter Reduction Act, which is administered by the Department of Resources Recycling and Recovery, is established to promote beverage container recycling. The act defines “beverage container” to mean the individual, separate bottle, can, jar, carton, or other receptacle, however denominated, in which a beverage is sold, and that is constructed of metal, glass, or plastic, or other material, or any combination of these materials, but does not include cups or other similar open or loosely sealed receptacles. A violation of the act is a crime.

Existing law authorizes the department, subject to the availability of funds, to pay a quality incentive payment of up to \$180 per ton to qualified recyclers for thermoform plastic containers diverted from curbside recycling programs, as provided.

This bill would delete that authorization. The bill would instead require, on and after January 1, 2027, if a beverage is subject to the act and offered for sale in a plastic beverage container with a plastic cap, *beverage manufacturers to ensure that* the container ~~to have~~ *has* a cap that is tethered to the container that prevents the separation of the cap from the container when the cap is removed from the container by the consumer. The bill would exempt, until January 1, 2028, any type of beverage container with a recycling rate of better than 70% for calendar years 2022 and 2023, as determined by the department, from compliance with that requirement. The bill would exempt beverage containers with a capacity of 2 liters or more and beverage containers that contain beer or other malt beverages, wine or distilled spirits, or 100% fruit juice from the scope of the bill. *The bill would also exempt a refillable plastic beverage container and a beverage manufacturer that sold or transferred 16,000,000 or fewer plastic beverage containers, as provided, during the previous calendar year from the scope of the bill.*

By creating a new requirement under the act, a violation of which would be a crime, this bill would impose a state-mandated local program.

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

- (1) While better than 70 percent of PET plastic beverage containers are returned for recycling and diverted from the waste and litter stream in California, available data indicates that the recycling rate for easily separable plastic caps is lower and the litter rate is higher than for beverage containers generally and PET plastic beverage containers specifically.
- (2) Annual California beach litter data consistently shows that caps for plastic beverage containers represent a disproportionately greater source of beach litter compared to plastic beverage bottles, and are perennially among the top five items found in California beach litter surveys.
- (3) Discarded caps for plastic beverage containers have been found to pose a unique and significant threat to marine wildlife. Marine wildlife ingest plastic bottle caps, mistaking them for food, which can lead to internal injuries, starvation, and death.
- (4) Due to their relatively small size and different resin type even those plastic caps collected for recycling with associated bottles frequently wind up in material recovery facility residual, and are not recycled into new materials and products.
- (5) Recognizing the lower recycling rate and higher litter rate, policymakers in the European Union included a tethered cap requirement in the 2019 Single-Use Plastics Directive. Effective July 3, 2024, all single-use plastic beverage containers of less than three liters may only be placed on the market if the caps remain attached to the containers during the products' intended use stage.
- (6) Several United States beverage producers have already begun adding tethered caps on plastic beverage containers sold in California, including Crystal Geyser, BlueTriton (Arrowhead), Coca-Cola (smartwater), PepsiCo (Gatorade), Keurig Dr. Pepper (CORE Hydration), Nestlé (Essentia), The Wonderful Company (FIJI Water), and Danone (evian).
- (7) Public opinion polling and surveys in the European Union conducted by Sidel have found that consumers prefer caps that remain attached to their beverage containers for reasons of convenience, cleanliness, environmental benefit, and recyclability.

(b) It is the intent of the Legislature in enacting these provisions to do all of the following:

- (1) Reduce the environmental impact of beverage container plastic caps leakage into the environment by mandating the use of tethered caps on all beverage containers sold in the state.
- (2) Protect wildlife from the harmful effects of ingesting plastic caps that have become separated from beverage containers.
- (3) Improve the efficiency and effectiveness of California's recycling and material recovery efforts by increasing the number of plastic caps that remain attached to beverage containers during collection and processing.
- (4) Align with global best practices and regulatory standards, such as those set by the European Union.

SEC. 2. Section 14548 of the Public Resources Code is repealed.

SEC. 3. Section 14548 is added to the Public Resources Code, to read:

14548. (a) Except as provided in subdivisions ~~(b) and (e)~~, *(b) to (e), inclusive*, on and after January 1, 2027, *beverage manufacturers shall ensure that* beverages subject to this division and offered for sale in plastic beverage containers with plastic caps ~~shall~~ have a cap that is tethered to the container that prevents the separation of the cap from the container when the cap is removed from the container by the consumer.

(b) For any type of beverage container subject to this division, with a recycling rate of better than 70 percent for calendar years 2022 and 2023, as determined by the department, compliance with the requirements of subdivision (a) shall not be required until January 1, 2028.

(c) A beverage container with a capacity of two liters or more is exempt from complying with this section.

(d) A beverage container subject to this division and used to contain the following products is exempt from this section:

(1) Beer and other malt beverages.

(2) Wine and distilled spirits.

(3) One-hundred-percent fruit juice.

(e) Consistent with subdivision (i) of Section 14547, this section does not apply to either of the following:

(1) A refillable plastic beverage container.

(2) A beverage manufacturer that can demonstrate that the beverage manufacturer sold or transferred 16,000,000 or fewer plastic beverage containers to a distributor, dealer, or consumer located in the state during the previous calendar year.

~~(e)~~

(f) For purposes of this section, except as provided in subdivision (b), (c), ~~or (d); (d), or (e)~~, "beverage," "beverage container," or "plastic beverage container" has the same meaning as specified in Section 14504, 14505, or 14517.

SEC. 4. 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.