

## STAFF REPORT

**DATE:** July 2, 2013  
**TO:** City Council  
**FROM:** Herb Niederberger, General Manager Operations, Utilities & Development  
Jacques DeBra, Utilities Manager  
**SUBJECT:** Council Direction Regarding Single Use Carry-out Bag Ordinance Policy

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### **Recommendation:**

Approve schedule and steps for adoption of Single Use Carry-out Bag Ordinance.

### **Fiscal Impact**

Council direction could increase the allocation of Solid Waste Fund staff resources and program expenditures depending on Ordinance implementation efforts and response.

### **Council Goal(s)**

- Promote reduction of resource consumption and waste generation.
- Conserve resources in an environmentally responsible manner.

### **Background and Analysis**

In February 2013 staff was directed to suspend the CEQA documentation effort that had been initiated pending the outcome of impending single use carry-out bag legislation in the 2013 state legislative session. Several bills were under consideration in the 2013 state legislative session that could have regulated single use carry-out bags in Davis and other local agencies who have not yet adopted such policies. At this point in the state legislative session, it does not appear that any new state legislation will be passed in the 2013 session related to single use carry-out bags. Therefore, staff is presenting a schedule for proceeding with consideration of a local ordinance that would regulate single use carry-out bags similar to efforts in communities throughout California. A copy of the draft Ordinance recommended by the Natural Resources Commission (NRC) is included in the report as Attachment 1.

If state legislation is passed in the 2013 session, staff would apprise the Council in September, thus providing an opportunity to amend the process based on changes in state law that could have implications on a local policy.

### **Draft Ordinance**

The proposed Single Use Carry-out Bag Ordinance is considered a zero waste policy. The draft Davis ordinance includes: 1) a plastic bag ban; 2) a 10 cent charge for paper; 3) a greater than 10 cent charge for reusable bags; and 4) would only be applicable to larger retailers (including supermarkets, drug stores and convenience stores). A list of affected Davis businesses is included as Attachment 2.

### List of Agencies With Adopted Policies

Attachment 3 to this report is a list of other municipalities/agencies with local ordinances affecting single use bags. To date, 77 jurisdictions have passed ordinances to phase out the use of plastic bags. Another dozen jurisdictions are expected to adopt ordinances phasing out single use plastic bags later this year, including the cities of Sacramento and Chico, and counties of Santa Barbara, Ventura, Sonoma and Monterey. By 2014, more than one-third of Californians will live in communities with some kind of bag policy in place.

### CEQA and Schedule

In preparation for consideration of a local ordinance, an environmental checklist has been prepared based on the attached draft ordinance. It has been determined that adoption of a mitigated negative declaration will allow for CEQA compliance for a local policy. The recommended steps to result in Council approval are presented below:

<u>Date</u>	<u>Milestone</u>
July 2, 2013	Council approves process schedule
July-Aug 2013	Complete environmental documentation
October 1, 2013	Council considers approval of Ordinance
July 1, 2014	Effective date (allow retailers time to restock inventories)

The website information containing the history and efforts to date for the City ordinance development process are available at the following link:

<http://archive.cityofdavis.org/pw/nrc/bags.cfm>

### Attachments

1. Copy of Draft Ordinance Recommended By NRC
2. List of Davis Businesses Affected By Draft Ordinance
3. List of Agencies With Adopted Policies

**ORDINANCE NO. 13-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAVIS ADDING  
ARTICLE 32.05 TO THE CITY OF DAVIS MUNICIPAL CODE  
TO REDUCE THE DISTRIBUTION OF CARRYOUT BAGS  
AND PROMOTE THE USE OF REUSABLE BAGS**

WHEREAS, on December 6, 2011, the City Council adopted Resolution No. 11-185, Series 2011, in which the City announced its intention to strive to implement zero waste strategies, and

WHEREAS, the City Council desires to conserve resources, reduce greenhouse gas (GHG) emissions, waste, litter and pollution, and

WHEREAS, an important goal of the City of Davis is to procure and use sustainable products and services; and

WHEREAS, the use of single-use carryout bags (plastic, paper, and biodegradable) has negative environmental impacts, including GHG emissions, litter, water consumption, solid waste generation and effects on wildlife; and

WHEREAS, from an overall environmental and economic perspective, a shift to reusable bags is a better alternative to the continued use of single-use plastic and paper carryout bags; and

WHEREAS, studies and impacts from similar policies adopted in other jurisdictions have shown a dramatic reduction in the use of single-use carryout bags; and

WHEREAS, the City Council recognizes that the unique facts and circumstances of Applicable Stores and City Facilities, as defined in the Ordinance, justify regulating the use of single-use carryout bags in these establishments; and

WHEREAS, this Ordinance is not intended to be a first step towards a comprehensive ordinance that would impose substantially similar regulations on all retail establishments within the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAVIS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby adopts the recitals of this Ordinance as true and correct and such recitals are hereby incorporated by reference as though fully set forth in the text of this Ordinance.

SECTION 2. Article 32.05 is hereby added to the City of Davis Municipal Code to read in full as set forth in Exhibit "A", attached hereto and incorporated by this reference.

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SECTION 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

SECTION 4. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same or a summary thereof to be published as required by law.

SECTION 5. This Ordinance shall take effect and be in full force and effect thirty (30) days from and after the date of its final passage and adoption.

INTRODUCED on \_\_\_\_\_ and PASSED AND ADOPTED by the City Council of the City of Davis on this \_\_\_\_ day of \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joseph F. Krovoza  
Mayor

ATTEST:

Zoe S. Mirabile, CMC  
City Clerk

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## EXHIBIT "A"

### ARTICLE 32.05 DISPOSABLE BAG REDUCTION PROGRAM

#### 32.05.01 Definitions

For purposes of this article, the following definitions shall apply:

- (a) "**Applicable Store**" means a retail establishment, not including food vendors and restaurants, that provides Single-Use Carryout Bags to its customers as a result of the sale of a product and that meets any of the following:
  - (1) Is a retail supermarket, convenience food store, foodmart, or other entity which sells canned food, dry grocery, and Perishable Food.
  - (2) Is over 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 and has a pharmacy licensed pursuant to Chapter 9 of Division 2 of the Business and Professions Code.
  - (3) Has a Type 20 or 21 license issued by the California Department of Alcoholic Beverage Control.
- (b) "**City Facility**" means a park, building or other facility located on City property or operated by the City.
- (c) "**Paper Bag Cost Pass-Through**" means the cost which must be collected by an Applicable Store from their customers when providing a Recycled Paper Bag.
- (d) "**Perishable Food**" means frozen foods, refrigerated foods, breads, and fresh produce. Perishable Food does not include items found in vending machines.
- (e) "**Postconsumer Material**" means a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product lifecycle. Postconsumer Material does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.
- (f) "**Recycled Paper Bag**" means a paper carryout bag provided by an Applicable Store to a customer at the point of sale that meets all of the following applicable requirements:
  - (1) Except as otherwise provided in this section, the paper carryout bag contains a minimum of 40 percent Postconsumer Materials.
  - (2) An eight pound-rated or smaller Recycled Paper Bag shall contain a minimum of 20 percent Postconsumer Material.
  - (3) The paper carryout bag is accepted for curbside recycling in Davis.
  - (4) The paper carryout bag is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400, as published in September 2004.
  - (5) Printed on the paper carryout bag is the percentage of Postconsumer Material content.
- (g) "**Reusable Bag**" means a bag with handles that is specifically designed and manufactured for multiple reuses and meets all of the following requirements:
  - (1) Is machine washable or easily cleaned or disinfected.

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- (2) Does not contain lead, cadmium, or any other heavy metal in toxic amounts, as defined by applicable State and Federal standards and regulations for packaging or reusable bags.
  - (3) If made of plastic, is a minimum of at least two and one-quarter millimeters thick.
  - (4) Has a minimum lifetime of 125 uses, which for purposes of this subdivision, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet.
- (h) **"Single-Use Carryout Bag"** means a bag other than a Reusable Bag provided at the check stand, cash register, point of sale, or other location for the purpose of transporting food or merchandise out of an Applicable Store. Single-Use Plastic Carryout Bags and Recycled Paper Bags however:
- (1) Do not include bags that are integral to the packaging of the product.
  - (2) Do not include bags without handles provided to the customer to transport produce, bulk food or meat from produce, bulk food or meat department within an Applicable Store to the point of sale.
  - (3) Do not include bags without handles provided to the customer to hold prescription medication dispensed from a pharmacy.
  - (4) Do not include bags without handles provided to the customer to protect a purchased item from damage or contaminating other purchased items at check-out (including a small paper bag for greeting cards).
- (i) **"Single-Use Plastic Carryout Bag"** means any bag that is less than two and one-quarter millimeters thick and is made predominately of plastic derived from petroleum or from bio-based sources, such as corn or other plant sources, that is provided by an Applicable Store or at a City Facility to a customer at the point of sale and that is not a Reusable Bag.

### **32.05.02 Carryout Bag Regulation**

- (a) On and after July 1, 2014 an Applicable Store shall not provide a Single-Use Carryout Bag to a customer at the point of sale, except as provided in Sections 32.05.03 or 32.05.04.
- (b) An Applicable Store may make Reusable Bags available for purchase by a customer and shall charge no less than 10 cents for Reusable Bags.
- (c) On and after July 1, 2014, an Applicable Store may provide Reusable Bags to customers at no cost only when combined with a time-limited store promotional program.
- (d) No person shall distribute a Single-Use Plastic Carryout Bag at a City sponsored, organized or permitted event at any City Facility unless otherwise permitted in this article or approved by the Public Works Director or designee.
- (e) All other retail stores not required to reduce the distribution of Single-Use Carryout Bags under this article are encouraged to voluntarily reduce the distribution of Single-Use Carryout Bags.
- (f) Nothing in this article shall prohibit stores from encouraging and providing incentives for the use of Reusable Bags through education and through credits or rebates for customers that bring their own carryout bags at the point of sale for the purpose of carrying away goods.

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- (g) Nothing in this article shall prohibit customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag.

### **32.05.03 Recycled Paper Bag Cost Pass-Through.**

On and after July 1, 2014, except as provided in Section 32.05.04 an Applicable Store may only provide a Recycled Paper Bag to a customer if it collects a Paper Bag Cost Pass-Through from the customer for each Recycled Paper Bag provided.

- (a) The Paper Bag Cost Pass-Through shall be no less than 10 cents, which has been determined to be the actual average cost for a retailer to provide a Recycled Paper Bag.
- (b) No Applicable Store collecting a Paper Bag Cost Pass-Through pursuant to this Section shall rebate or otherwise reimburse a customer for any portion of this pass-through.
- (c) All Applicable Stores shall indicate on the customer transaction receipts the number of Recycled Paper Bags provided and the total amount of the Paper Bag Cost Pass-Through.
- (d) When requested by the Public Works Director or designee, Applicable Stores required to collect a Paper Bag Cost Pass-Through shall report to the City, on a form prescribed by the Public Works Department, a summary of all payments of Paper Bag Cost Pass-Throughs received. The form shall be signed by a responsible officer or agent of the Store who shall swear or affirm that the information provided on the form is true and complete.
- (e) Applicable Stores shall keep complete and accurate record or documents of the purchase of any Recycled Paper Bag by the Applicable Store for a minimum period of three years from the date of purchase, which records shall be available for inspection at no cost to the City during regular business hours by a City employee authorized to enforce this Chapter. These records may be kept at the corporate level.

### **32.05.04 Exemptions**

Notwithstanding the requirements contained in Sections 32.05.02 and 32.05.03, an Applicable Store may provide a customer participating in the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code and a customer participating in the Supplemental Food Program pursuant to Chapter 10 of Part 3 of Division 9 of the Welfare and Institutions Code, with a Reusable Bag or a Recycled Paper Bag at no cost at the point of sale.

### **32.05.05 Enforcement**

Any person violating this article shall be guilty of an infraction and shall be subject to a fine in the amount of one hundred dollars (\$100) for the first violation, two hundred dollars (\$200) for the second violation, and five hundred dollars (\$500) for the third and subsequent violations occurring within a one-year period.

### **32.05.06 City Collaboration with Businesses**

The City may periodically contact Applicable Stores to assess the effectiveness of this article and to provide assistance for implementation efforts. This may include periodic surveys, outreach meetings and/or written communications with Applicable Stores.

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## Applicable Stores

List of "Applicable Stores" that may fall under the proposed Carryout Bag Ordinance

<b>BUSINESS NAME</b>	<b>BUSINESS ADDRESS</b>
7 ELEVEN STORE 2235 14116D	525 L ST
AGGIES LIQUORS	507 & 509 L ST
DAVIS BEER SHOPPE THE	211 G ST
ANDERSON GAS & MINI MART	1935 ANDERSON RD
ARCO AM PM	333 MACE BLVD
ARCO AM PM	705 RUSSELL BLVD
BASSI SHELL	400 MACE BLVD
CHEVRON	4475 CHILES RD
CIRCLE K STORE 1914	1930 LAKE BLVD
COST PLUS WORLD MARKET	871 RUSSELL BLVD
CVS PHARMACY STORE 9142	1550 E COVELL BLVD
CVS PHARMACY STORE 9282	1471 W COVELL BLVD
DAVIS 1 STOP	2002 LYNDELL TER
DAVIS FOOD COOPERATIVE INC	620 G ST A
DAVIS WINE COMPANY	606 PENA DR, STE 700
DOLLAR TREE	1800 E 8TH ST. SUITE A
FARMERS MARKET	CENTRAL PARK
FAST & EASY 33	1601 RESEARCH PARK DR
FAST & EASY MART	140 B ST, STE 1
GROCERY OUTLET	1800 E 8TH ST. SUITE B
INCONVIENENT STORE	140 B STREET, SUITE 4
INTERNATIONAL MARKET	1760 EAST 8TH STREET
KIMS MART	616 4TH STREET
MACE MARKET	2939 SPAFFORD ST, STE 100
NATURAL FOOD WORKS	624 4TH STREET
NUGGET MARKET	1414 E COVELL BLVD A
NUGGET MARKET	409 MACE BLVD
OLIVE DRIVE MARKET	1060 OLIVE DR
RITE AID/ PAYLESS DRUG STORE 6197	2135 COWELL BLVD
QUICK SHOP MARKET	1964 E 8TH ST
RITE AID 6048	655 RUSSELL BLVD
SAFEWAY INC 1205	1451 W COVELL BLVD
SAFEWAY INC 1561	2121 COWELL BLVD
SAVE MART SUPERMARKETS 604	1900 ANDERSON RD
SOUTH DAVIS VALERO	4810 CHILES RD
STOP & SHOP FOOD MART	1944 ANDERSON RD
SUDWERK RESTAURANT AND BREWERY	2001 2ND ST, STE B
TARGET	4601 2ND ST
THE DAVIS BEER SHOPPE	211 G ST
TRADER JOES NO 182	885 RUSSELL BLVD
UNIVERSITY SHELL	1010 OLIVE DR
VALLEY WINE CO	417 G ST
WESTLAKE MARKET	1260 LAKE BLVD, STE 101
WHOLE FOODS MARKET	500 1ST STREET, #1
LOIS RAE WINES	2415 HEPWORTH DRIVE

**Single-Use Bag Ordinances in CA (updated May 20, 2013)**

Local Jurisdiction	Brief Description	Effective Year	CEQA/Strategy	Key Elements and Notes
<a href="#">Fairfax</a>	plastic ban	2008	Voter Initiative	Covers all retail and restaurants
<a href="#">Malibu</a>	plastic ban	2008/2009	Exemption	Covers all retail and restaurants
<a href="#">Manhattan Beach</a>	plastic ban	2012	Neg Dec	Covers all retail
<a href="#">LA County</a>	plastic ban, 10 c for paper	2011/2012	EIR	Covers large supermarkets, drug stores & convenience stores
<a href="#">San Jose</a>	plastic ban, 10/25 c for paper	2012	EIR	Covers all retail except nonprofit
<a href="#">Marin County</a>	plastic ban, 5 c for paper	2012	Exemption	Covers large supermarkets, drug stores & convenience stores
<a href="#">Santa Monica</a>	plastic ban, 10 c for paper	2011/2011	EIR	Covers all retail and farmer's markets
<a href="#">Calabasas</a>	plastic ban, 10 c for paper	2011/2012	used LAC EIR	Covers large supermarkets, drug stores & convenience stores
<a href="#">Santa Clara County</a>	plastic ban, 15 c for paper	2012	Neg Dec	Covers all retail except nonprofit
<a href="#">Long Beach</a>	plastic ban, 10 c for paper	2011/2012	used LAC EIR	Covers large supermarkets, drug stores, convenience stores & farmer's markets
<a href="#">Santa Cruz Co (amend)</a>	plastic ban, 10/25 c for paper	2012	Mit Neg Dec	Covers all retail
<a href="#">Pasadena</a>	plastic ban, 10 c for paper	2012/2012	used LAC EIR	Covers large supermarkets, drug stores, & convenience stores, free paper bags for farmer's markets and city events
<a href="#">Monterey</a>	plastic ban, 10/25 c for paper	2012	Neg Dec	Covers all retail except nonprofit
<a href="#">Sunnyvale</a>	plastic ban, 10/25 c for paper	2012/2013	EIR	Covers all retail except nonprofit
<a href="#">SLO County &amp; 7 Cities</a>	plastic ban, 10 c for paper	2012	Exemption	Covers large supermarkets, drug stores, & convenience stores in unincorporated County and incorporated Cities
<a href="#">Alameda Co &amp; 14 Cities</a>	plastic ban, 10/25 c for paper/reusable	2013	EIR	Covers large supermarkets, drug stores, & convenience stores in unincorporated County and incorporated Cities
<a href="#">San Francisco</a>	plastic ban, 10 c for paper /reusable	2012 (expand '07 ban)	Exemption	Covers all retail and restaurants, no price requirement on bags for restaurant leftovers, allows compostable bags
<a href="#">Millbrae</a>	plastic ban, 10 c for paper	2012	Neg Dec	Covers all retail except nonprofit/drycleaner
<a href="#">Laguna Beach</a>	plastic ban, 10 c for paper	2013	Neg Dec	Covers all retail and farmer's markets
<a href="#">Dana Point</a>	plastic ban, voluntary charge for paper	2013/2013	Neg Dec	Covers all retail and nonprofit stores
<a href="#">Carpinteria</a>	plastic ban, paper ban for large stores	2012/2013	Exemption	Covers all retail
<a href="#">Ojai</a>	plastic ban, 10 c for paper	2012	Neg Dec	Covers all retail
<a href="#">Ukiah</a>	plastic ban, 10 c for paper	2012/2013	EIR	Covers all retail
<a href="#">Watsonville</a>	plastic ban, 10/25 c for paper	2012	Santa Cruz Co Neg Dec	Covers all retail
<a href="#">Solana Beach</a>	plastic ban, 10 c for paper	2012/2013	Neg Dec	Covers all retail
<a href="#">Fort Bragg</a>	plastic ban, 10 c for paper	2012/2013	EIR	Covers all retail
<a href="#">Mendocino County</a>	plastic ban, 10 c for paper	2013/2013	EIR	Covers all retail
<a href="#">Carmel</a>	plastic ban	2012	Neg Dec	Covers all retail
<a href="#">Santa Cruz City</a>	plastic ban, 10 c for paper	2013	Neg Dec	Covers all retail
<a href="#">West Hollywood</a>	plastic ban, 10 c for paper	2013/2013	used LAC EIR	Covers all retail
<a href="#">San Mateo County</a>	plastic ban, 10/25 c for paper/reusable	2013	EIR	Covers all retail
<a href="#">Pacifica</a>	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
<a href="#">Mountain View</a>	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
<a href="#">South San Francisco</a>	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
<a href="#">Foster City</a>	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
<a href="#">Belmont</a>	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
<a href="#">Colma</a>	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
<a href="#">Capitola</a>	plastic ban, 25 c for paper	2013	Neg Dec	Covers all retail
<a href="#">Daly City</a>	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
<a href="#">Menlo Park</a>	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
<a href="#">Glendale</a>	plastic ban, 10 c for paper	2013/2014	Used LAC EIR	Covers large supermarkets, drug stores, convenience stores, & farmer's markets
<a href="#">San Bruno</a>	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
<a href="#">Portola Valley</a>	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
<a href="#">Cupertino</a>	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
<a href="#">Half Moon Bay</a>	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
<a href="#">San Carlos</a>	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
<a href="#">Los Altos</a>	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
<a href="#">Burlingame</a>	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
<a href="#">Brisbane</a>	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
<a href="#">Redwood City</a>	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
<a href="#">Huntington Beach</a>	plastic ban, 10 c for paper	2013	EIR	Covers large supermarkets, drug stores, convenience stores, & farmer's markets
<a href="#">East Palo Alto</a>	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
<a href="#">San Mateo City</a>	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
<a href="#">Palo Alto</a>	plastic ban, 10 c for paper/reusable	2013 (expand '09 ban)	EIR	Covers all retail and restaurants
Los Angeles	plastic ban, 10c for paper/reusable	2014	EIR	Covers large supermarkets



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### Elements of a Successful Single-Use Bag Ordinance

- Prohibition on distribution of single-use plastic carryout bags & single-use paper bags with less than 50% recycled content (at least 40% pcc)
- End wasteful, costly practice of hiding carryout bag price, require retailers to charge not less than actual average cost of providing paper bags
- Stores retain revenue, but required to report the amount charged and number of bags sold.
- Store definition:
  - gross annual sales of \$2 million or more selling food and nonfood goods
  - at least 10,000 square feet of retail space with a licensed pharmacy
  - pharmacy, convenience store, or other retail store selling a limited line of food goods
- Can be customized to phase in restaurants and other retailers with different implementation dates based on store size/category
- Exemptions for protective/produce type bags, WIC/lower income
- Defines reusable bags as: Handled bag specifically designed and manufactured for multiple reuse and
  - made of cloth or other machine washable fabric, and/or made of durable plastic at least 2.25 mils thick
  - meets lead and other heavy metal safety requirements as specified for packaging under state Toxics in Packaging law (Health & Safety Code Sections 25214.11-25214.26)

Several California companies are leading the globe in the manufacture of durable, reusable bags made from recycled materials. As this market becomes more fully developed, jurisdictions may want to consider policies and incentives to promote the use of California manufactured reusable bags with the highest level of post-consumer recycled material.



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