

AMENDED IN ASSEMBLY MARCH 28, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1171**

**Introduced by Assembly Member Chen**

**February 21, 2019**

An act to add Chapter 6 (commencing with Section 48710) to Part 7 of Division 30 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1171, as amended, Chen. **Recycling: grocery store food packaging: sustainability standards.** *Solid waste: food packaging material: local regulation.*

The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste. The act prohibits certain stores from providing a single-use carryout bag to a customer at the point of sale and prohibits full-service restaurants from providing single-use plastic straws to consumers unless requested by the consumer.

The act requires each city and county, and each regional agency formed pursuant to the act, to develop a source reduction and recycling element of an integrated waste management plan to divert 50% of all solid waste, through source reduction, recycling, and composting activities.

**Preemption Clauses:**

→ This bill would prohibit a city, county, city and county, or other local public agency from requiring a grocery store, as defined, to use a certain type of food packaging for any food sold in the grocery store unless the majority of residential households within the jurisdiction of the local agency have access to a curbside program that accepts the material from which that food packaging is made. → The bill would prohibit those local agencies from prohibiting a grocery store from using a certain type of food packaging for any food sold in the grocery store if a majority of residential households within the jurisdiction of the local agency have access to a curbside program that accepts the material from which that food packaging is made. The bill would require a local agency, if it requires a grocery store to use a certain type of food packaging, to identify the type of food packaging using standardized specifications, active at the time of the enactment of the requirement, from an established national or international organization, as provided.

~~Existing law, the California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, establishes an integrated waste management program. The act requires each city to submit to the county in which the city is located a source reduction and recycling element containing specified components, including a composting component.~~

~~This bill would state the intent of the Legislature to enact legislation to encourage municipalities to adopt more effective sustainability standards for the recycling and composting of grocery store food packaging.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

*SECTION 1. Chapter 6 (commencing with Section 48710) is added to Part 7 of Division 30 of the Public Resources Code, to read:*

*Chapter 6. Local Agency Regulation of Food Packaging Material*

*48710.*

*(a) For purposes of this section, the following definitions apply:*

*(1) "Curbside program" means a recycling or composting program that picks up waste material from individual or multiple family residences, or both, with the intent to recycle or compost the waste material, operated by, or pursuant to a contract with, a local agency, or is acknowledged, in writing, by a local agency.*

*(2) "Grocery store" means a store primarily engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, and fresh meats, fish, and poultry and any area that is not separately owned within the store where food is prepared and served, including a bakery, deli, and meat and seafood counter.*

*(3) "Local agency" means a city, county, city and county, or other local public agency.*

*(b) A local agency shall not require a grocery store to use a certain type of food packaging for any food sold in the grocery store unless the majority of residential households within the jurisdiction of the local agency have access to a curbside program that accepts the material from which that food packaging is made.*

*(c) A local agency shall not prohibit a grocery store from using a certain type of food packaging for any food sold in the grocery store if a majority of residential households within the jurisdiction of the local agency have access to a curbside program that accepts the material from which that food packaging is made.*

*(d)*

*→ (1) Except as provided in paragraph (2), a local agency shall not enforce or implement an ordinance, resolution, regulation, or rule, or make any amendment to an ordinance, resolution, regulation, or rule, that violates or is in conflict with subdivision (b) or (c).*

*(2) A local agency that, as of December 31, 2019, has an ordinance, resolution, regulation, or rule that violates or is in conflict with subdivision (b) or (c) may continue to implement and enforce that ordinance, resolution, regulation, or rule only until January 1, 2023.* ←

**Repeals all adopted local ordinances on January 1, 2023!**

(e)

(1) *If a local agency requires a grocery store to use a certain type of food packaging, the local agency shall identify the type of food packaging using standardized specifications, active at the time of the enactment of the requirement, from an established national or international organization, including, but not limited to, ASTM International or the International Organization for Standardization, or using standardized specifications identified or recognized by the department.*



(2) *Standardized specifications recognized only by one or more local agencies, but that do not meet the requirement in paragraph (1), shall not be used to identify food packaging pursuant to this subdivision.*

**~~SECTION 1. It is the intent of the Legislature to enact legislation to encourage municipalities to adopt more effective sustainability standards for the recycling and composting of grocery store food packaging.~~**