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SB 270: First state to ban plastic grocery bags

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On Sept. 30, 2014, California became the first state to ban plastic grocery bags. Senate Bill 270 prohibits retailers from providing conventional grocery bags at the point of sale, and requires retailers to charge at least \$0.10 per recycled paper, compostable or reusable bag. The law's goal is to reduce litter by encouraging customers to carry reusable bags, but reports are mixed as to whether similar bans have accomplished this.

The law, effective as of Jan. 1, 2015, preempts local ordinances. Starting July 1, 2015, grocery stores and pharmacies with certain sales and retail space may no longer provide "single-use carryout bags." The ban covers all bags that are not "recycled paper bags" or "reusable grocery bags," as defined in the statute. On July 1, 2016, the ban extends to convenience stores, food marts and liquor stores.

Stores may distribute only recyclable, compostable or reusable carryout bags, and must charge at least \$0.10 per such bag. To qualify, a bag must be made by a certified producer and meet specified requirements for content, construction and



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A man walks along the street with plastic bags in Los Angeles.

labeling. The Department of Resources Recycling and Recovery will publish a list of certified producers. Producers can object by filing an action for review in superior court, and the burden of determining whether the producer's bags are compliant would then fall to the courts. Cities, counties or the state may also impose civil penalties for violating the requirements.

Critics argue that consumers bereft of gratuitous plastic bags may simply buy them, resulting in the same amount of disposed plastic in the state. Forcing families to purchase previously free plastic bags could have a disparate impact on low-income households. Another criticism is that reusable bags require wash-

ing to remain sanitary, and California's pressing interest in conserving the water and energy required to wash reusable bags may outweigh any environmental benefits of banning plastic ones.

Furthermore, the ban may be a hidden tax on consumers. The charge ostensibly ensures a consumer's need for each bag, but helps fund the Department of Resources Recycling and Recovery. Certified bag producers must also pay a fee to the department, and the department appropriates \$2 million from the California Integrated Waste Management Act of 1989's Recycling Market Development loan account to provide loans related to manufacturing and recycling reusable bags.

Oponents of the ban hope to repeal SB 270. A veto referendum is currently collecting signatures to contend for the Nov. 8, 2016, ballot. If it gathers enough signatures by the end of the year, implementation of the law would be pushed back to 2017.

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