



MONO COUNTY
DEPARTMENT OF PUBLIC WORKS
SOLID WASTE DIVISION

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To: Potentially Impacted Mono County Business Owners and Interested Parties

RE: SB 270, aka the PLASTIC BAG BAN

On November 8, 2016 California voted to uphold SB270, the “Plastic Bag Ban.” This law was passed by our state legislature in 2015, but implementation was delayed by a referendum challenge. The referendum effort failed, the voters approved it, so it is now the law.

BUSINESS OWNER FAQ

(all answers below summarize SB270 language. For the bill language itself, see SB270)

Does the new law apply to my business?

SB270 applies to any “store,” defined as follows (Section 42280 (g)):

- A retail store with more than \$2m gross annual sales; *or*
- Has 10,000sf of retail space and has a licensed pharmacy; *or*
- A convenience food store or foodmart with a Type 20 or Type 21 ABC license.

In our analysis of how the law will apply in Mono County, it appears that applicability will be related to the sections on “foodmarts” with Type 20 or 21 ABC licenses (i.e., grocers and gas stations).

What does the law require?

In applicable “stores,” the law **prohibits** the use of single-use carryout bags, which are essentially the plastic bags everyone is used to at this time.

It **requires** that any bag provided by the store for carryout purposes meets the definition of a “reusable grocery bag” and **requires** a charge of 10 cents per bag.

What is a “reusable grocery bag”

There is an elaborate definition (Section 42281) of what constitutes a reusable grocery bag, including requirements on thickness of materials and durability of construction, recycled material content, and other specifics. It is our belief that the market is already offering bags that meet the detailed criteria.

Are there any exemptions?

Not as far as applicability to a business, but there are exemptions for certain single-use bags, such as bags for pharmaceuticals, bags to prevent an item from contaminating other items within a reusable bag (toxic/fragrant items), bags to contain an unwrapped food item (produce) and bags that protect clothes on a hanger. (see Section 42280 (f)(2))

Who can Enforce this Law?

The law provides that “a city, a county, a city and county, or the state may impose civil liability on a person or entity that knowingly violated this chapter, or reasonably should have known that it violated this chapter, in the amount of one thousand dollars (\$1,000) per day for the first violation of this chapter, two thousand dollars (\$2,000) per day for the second violation, and five thousand dollars (\$5,000) per day for the third and subsequent violations.

Will Mono County Enforce this law?

At this time, Mono County does not have the resources to perform the role of plastic bag police within the County. The County intends to utilize available resources to assistance local business owners in complying with the regulation. For more information on these efforts, contact the Solid Waste Superintendent at (760) 932-5453.

Are my customers required to purchase bags?

No. Customers can bring in their own bags if they like. Only if they **need** a bag for their goods, are they required to purchase the bag.

How much can I charge?

The law requires a charge of no less than 10 cents per reusable grocery bag.

Are the 10 cent bags taxable?

No. The 10 cent charges are not taxable.

Are there restrictions on the monies that are collected?

Yes. All moneys collected pursuant to the law shall be retained by the store and may be used only for costs associated with compliance, actual costs of bags, or costs associated with a store’s educational materials or educational campaign encouraging the use of reusable grocery bags (Section 42283.7).

For additional questions, contact the Solid Waste Superintendent at (760) 932-5453.