

Prohibition of Single-Use Carryout Bags at Additional Retail Establishments

FREQUENTLY ASKED QUESTIONS



Background

On December 6, 2022, the Los Angeles City Council unanimously approved Ordinance 187716, adding Article 2.1 to Chapter XIX of the Los Angeles Municipal Code titled “*Promotion of Reusable Bags and Regulation of the Use of Plastic and Paper Single-Use Carryout Bags at Apparel Stores, Farmers’ Markets, Food or Beverage Facilities, Hardware Stores and Open Air Markets*”. The Ordinance would expand the types of establishments that are prohibited from distributing plastic or paper single-use carryout bags to include retail stores (e.g., hardware stores, clothing stores), restaurants/food service providers, farmers markets, and open-air markets.

What does this City ordinance prohibit?

The ordinance prohibits Apparel Stores, Farmer’s Market Vendors, Food or Beverage Facilities, Hardware Stores, or Open Air Markets Vendors from offering or providing to any Customer a Plastic Single-Use Carryout Bag or Paper Single-Use Carryout Bag for the purpose of carrying away goods or other materials from the point of sale.

When will this City ordinance go into effect?

1. Beginning January 23, 2023, the ordinance will apply to Large Shops having more than 26 employees.
2. Beginning July 1, 2023, the ordinance will apply to all Shops.

What types of carryout bags are permitted at Shops?

Shops shall offer or provide Reusable Bags to Customers, either for sale or at no charge. Shops may also provide to their Customers Recyclable Paper Single-Use Carryout Bags. A Customer shall be charged \$0.10 for each Recyclable Paper Single-Use Carryout Bag provided.

Customers are also allowed to use their own bags. Customers are allowed to carry away goods that are not placed in a bag.

Who is Exempted from the Ordinance?

A Shop that provides Recyclable Paper Single-Use Carryout Bags shall provide free of charge such bags or Reusable Bags or both, at the Shop’s option to any Customer participating either in the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code or in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the Welfare and Institutions Code.

How will this City ordinance be enforced?

LASAN is responsible for investigating complaints of non-compliance, and issuing proper written notices for compliance.

What will the fines be for violations of the City Ordinance?

In accordance with the ordinance provision, the penalties for violations of the Prohibition of Single-Use Carryout Bags at Additional Retail Establishments ordinance are as follows:

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1. First Violation: Issuance of a written notice that a violation has occurred.
2. Second Violation: A fine not exceeding one hundred dollars (\$100).
3. Third Violation: A fine not exceeding two hundred dollars (\$200).
4. Fourth and Subsequent Violation(s): A fine not exceeding five hundred dollars (\$500) for the fourth and any subsequent violation(s).

Key Definitions

“Apparel Store” means a retail establishment within the City whose principal purpose is to sell ready-made clothing and/or accessories such as bags, headwear, footwear, and jewelry. Apparel Store does not include a Store.

“Customer” means any Person who purchases food, beverages, goods, merchandise, or services from a Shop, primarily for their direct consumption or use.

“Farmer’s Market” means a Certified Farmer’s Market as defined in California Code of Regulations (Title III, Division 3, Chapter 1, Subchapter 4, Article 6.5, Direct Marketing), Section 1392.2(a), operating at a location in the City, with the approval of the Los Angeles County Agricultural Commissioner, where agricultural products are sold by producers or certified producers directly to consumers. A Certified Farmer’s Market may be operated by one or more certified producers, or a non-profit organization.

“Food or Beverage Facility” means a facility located in the City that sells or otherwise provides Prepared Food or Beverages for consumption on or off its premises, and includes, but is not limited to, a shop, sales outlet, restaurant, bar, pub, coffee shop, coffee stand, juice bar, cafeteria, caterer, convenience store, liquor store, delicatessen, mobile food truck, roadside stand, kiosks, carts, or a Vendor or any organization, group, or individual that regularly provides Prepared Food or Beverages as part of its service.

“Hardware Store” means a retail establishment within the City whose principal purpose is to sell tools, equipment, supplies, fixtures, parts, components, accessories, and other items used in the building or improvement of a home or office, including landscaping and gardening supplies. A Hardware Store does not include a Store.

“Large Shop” means a Shop with more than 26 employees. If the Shop is part of a Statewide or National Vendor, the employee count shall include all employees of that chain

“Open Air Market” means an outdoor marketplace within the City where Vendors sell produce, Prepared Food or Beverage, handmade crafts, or other new or used goods. Open Air Markets include swap meets, as that term is defined in Section 21661 of the California Business and Professions Code.

“Paper Single-Use Carryout Bag” means any bag made predominantly of paper materials, including, but not limited to, virgin, recycled or recyclable paper materials, which is provided to a Customer at the point of sale. Paper Single-Use Carryout Bag does not include Reusable Bags, Produce Bags, or Product Bags.

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“Plastic Single-Use Carryout Bag” means any bag made predominantly of plastic derived from petroleum, natural gas, or a biologically-based source, such as corn or other plant sources, which is provided to a customer at the point of sale. Plastic Single-Use Carryout Bag includes compostable and biodegradable bags, but does not include Reusable Bags, Produce Bags, or Product Bags,

“Recyclable Paper Single-Use Carryout Bag” means a Paper Single-Use Carryout Bag that meets all of the following requirements:

- (1) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) Postconsumer Recycled Material;
- (2) has printed on the bag the name of the manufacturer, the country where the bag was manufactured, and the percentage of Postconsumer Recycled Material used in making the bag;
- (3) displays the word "Recyclable" in a minimum 14-point type size; and
- (4) contains no old growth fiber.

“Reusable Bag” means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements:

- (1) has a minimum lifetime of 125 uses, which for purposes of this Article means the capability of carrying a minimum of 22 pounds, 125 times over a distance of at least 175 feet;
- (2) has a minimum volume of 15 liters;
- (3) is machine washable or is made of a material that can be cleaned or disinfected;
- (4) does not contain lead in an amount greater than 89 ppm, nor contain total heavy metals (lead, hexavalent chromium, cadmium, and mercury) in an amount greater than 99 ppm, unless lower heavy metal limits are imposed by applicable state or federal law, in which case such standards shall apply;
- (5) has printed on the bag, or on a tag that is permanently affixed to the bag, (i) the name of the manufacturer, (ii) the country where the bag was manufactured, (iii) a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, (iv) the percentage of Postconsumer Recycled Material used, if any, and (v) bag care and washing instructions; and
- (6) if made of plastic, is a minimum of at least 2.25 mils thick.

“Shop” means an Apparel Store, Farmer’s Market Vendor, Food or Beverage Facility, Hardware Store, or Open Air Market Vendor.

For more information about the City's Zero Waste initiatives, please visit lacitysan.org/sourcereduction