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## Five FAQs for California Bag Ban Compliance

Complying with Prop 67 is easier than you think. In five easy FAQs, you can make sure your bags are legal for retail sale in California

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## Introduction

The California bag ban is the first statewide single-use bag ban in the US, and in true California style, it has quirks all its own.

Proposition 67, as the California Bag ban is officially known, passed by popular vote in November 2016. It ratified a previously enacted law known as SB270, which regulates every aspect of reusable bags, even those most people never think about. It goes into detail regarding the entire life of a bag, from who can manufacture reusable bags and how, to who can sell them and for how much. The bill regulates minimum standards that need to be met, including thickness of material, handles, tagging, and in some cases, manufacturing certifications. To be in compliance, stores need to make sure they get every detail right.

But what about stores that don't need to comply? Prop. 67 passed by majority of California voters. So, it's a sign that consumers in the Golden State no longer want or expect single use bags. Even a shoe store, hardware store or other kinds of retail establishments should consider voluntary compliance, or at least having a reusable bag to offer your customers. No one wants a customer angry about the kind of bag you have to offer.

You will find plain explanations of the major regulatory parts of Prop. 67 in the Five FAQs below.

1. [What stores are covered by the California Bag Ban \(Prop 67\)?](#)

Not all stores are covered. Find out if you must comply and, if not, discover the advantages of complying voluntarily.

2. [What is a legal reusable bag in California defined by Prop 67?](#)

California has extensive requirements for usage, thickness, construction, allowable materials, and tagging.

3. [What is the fee for bags in California under Prop. 67 and what bags must have a fee?](#)

Under Prop. 67, stores are not allowed to distribute free carry-out bags, but there are still exceptions. Find out what bags do and don't have a fee.

4. [Do California stores have to buy from certified bag suppliers?](#)

Some types of bags must be purchased from a bag manufacturer that has been certified compliant by the State of California.

5. [When does the California bag ban start and how will it be enforced?](#)

The bag ban went into effect the moment the votes were tallied. Now what?

To be in compliance, stores need to make sure they get every detail right.

## 1. What stores are covered by the California Bag Ban (Prop 67)?

Proposition 67 covers bags in only select categories of retail stores, and does not regulate bags at other establishments. The ban targets large supermarkets, pharmacies, and convenience stores. The ban also has a provision for stores that want to comply voluntarily. Given the popularity of the law, as well as the savings to store owners who voluntarily comply, many stores beyond the range of mandatory stores may want to follow this trend.

Here are the legal definitions of stores that are required to comply.

**Supermarkets:** Stores that sell primarily food, perishables, canned goods and some non-food dry goods are required to comply if they have a minimum of \$2 million in gross annual sales or if they have at least 10,000 square feet of retail space.

**Pharmacies:** Stores with at least 10,000 square feet of retail space with a pharmacy are also required to comply.

**Convenience Stores:** Smaller convenience or food-mart type retailers who have a more limited line of food, mostly staples like milk and fast food like sandwiches and hot dogs, as well as some non-food, intended to be consumed off premises, are also required to comply. The law stipulates specifically that stores with a Type 20 or Type 21 license issued by the Department of Alcoholic Beverage Control are covered by this category.

**Other Retail Stores** are not required to comply.

Stores that are not covered by the ban include every other kind of food or non-food establishment. Fast food stores, pizza stores, and restaurants do not have to comply. Neither do clothing, houseware, hardware or other kinds of retail establishments.

However, stores may voluntarily notify the state of intent to comply, and if they do so, they come under the provisions of the law and will be regulated along with other compliant stores. Once a store notifies the state of intent to comply, the intention is irrevocable and the store is not free to discontinue compliance.

Of course, retail stores are free to offer reusable bags and charge for carry out bags in any way they choose, without notifying the state. Many already do.

Judging from the popularity of the law, most California shoppers prefer alternatives to single-use plastic bags. So even if you are not required to comply, your customers will thank you for offering reusable bags instead.

The passage of the law is a rejection particularly of the thin, ubiquitous Thank You or T-Shirt style bags which have been a retail staple for over 40 years and which can be found in abundance in our environment, land and sea. In the last 10 years, NWPP bags have become the most [popular reusable bags](#).

In the years ahead, more and more retailers are likely to offer an increasing array of attractive and branded reusable bags for multiple reuse by customers. As store owners see whose bag is most popular, there is likely to be a healthy competition in this market to offer only the best and most loved reusable bags.

Judging from the popularity of the law, most California shoppers prefer not to use single-use plastic bags. So even if you are not required to comply, your customers will thank you for offering reusable bags instead.

## 2. What is a legal reusable bag in California defined by Prop 67?

While California uses the same usage standards and thickness standards as most other bag bans to define what makes a bag classified as reusable, it adds a few more standards that others don't.

**What is banned:** Thin reusable bags like the so-called Thank You or T-Shirt bags.

**What is allowed:** Paper bags and Reusable bags are allowed at check out. Reusable bags are carefully defined as follows.

**To be reusable a bag must be:**

- Designed for at least 125 uses, with a use defined as the capacity to hold 22 pounds while walking 175 feet.
- If it is a plastic film bag, it must be at least 2.6 [mils](#) thick and must meet certain minimum standards for recycled content.
- If it is a sewn bag, fabric weight must be at least [80 GSM](#).
- It must have handles
- It must be machine washable or of a material that can be washed.
- It must comply with tagging information required by Prop. 67 including manufacturer and recycling information.
- It must comply for non-toxicity
- Stores that purchase plastic film bags must purchase them from a bag manufacturer that has been certified by the State of California.

In addition to the above specifications, all bags offered for carryout at stores must have a charge of at least ten cents. No carryout bags, whether reusable or paper, are allowed to be given out for free.

Paper bags are not banned and not defined as reusable, but if they are offered, they must have at least 40% Post-Consumer Waste content and must have a charge of at least ten cents.

In addition to the above specifications, all bags offered for carryout at stores must have a charge of at least ten cents. No carryout bags, whether reusable or paper, are allowed to be given out for free.

Compostable plastic bags are allowed only in jurisdictions where a majority of households have access to municipal composting programs. Compostable bags, where allowed, are subject to certain restrictions including a mandatory ten cent fee.

Bags not designed for carry out, like produce bags, pharmacy bags, candy or bulk item bags, are not covered by the ban and may be provided free of charge.

If you are looking for a legal reusable bag, use the [form here](#) to get a quote. As bag specialists, we have been involved in developing bag legislation in California for over 12 years. Even if you are in a different state, we'll be happy to look up your local law and make sure you comply.

### 3. What is the bag fee in California under Prop. 67 and what bags must have a fee?

Under Proposition 67, all bags offered at carryout must carry a fee of no less than ten cents. The fee applies equally to paper bags and reusable bags. Free bags and single-use bags are banned and not allowed at all.

Because the law passed by popular vote, California consumers have sent a strong message that they expect to pay for better bags. Although opponents of the measure made the fee a point of contention, California consumers prefer to invest in a bag of their own that will last.

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The argument about the fee is a false one because bags have never been free. When bags were given away without a fee, the cost was simply hidden in the cost of other items such as dairy products, light bulbs, and other consumer staples. Retailers collectively pay about \$4 billion a year for so-called “free bags” and they have passed that cost along to consumers in the form of higher prices.

Proposition 67 un-hides the cost of bags. Customers who don't bring their own bags are able to purchase reusable or paper bags. The law explicitly states the reasoning behind the fee: to “ensure that the cost of providing a reusable grocery bag is not subsidized by a customer who does not require that bag” (section 42283(b)(3)). It is intended to be a consumer protection.

In order to be available for purchase, a bag must comply with all the requirements of the reusable bag definitions or the restrictions on paper bags. Thinner bags may not be given away or purchased and are banned from use as carryout bags at retail in grocery stores, large pharmacies, and convenience stores in California.

There are important exceptions to the bag fee.

There are important exceptions to the bag fee. Bags that are intended to protect food and goods from contamination while they are being carried home do not have a fee and are not subject to the provisions of the ban. That means produce bags, pharmacy

bags, meat bags, etc. may all be used free of charge.

Additionally, stores must provide bags free of charge to people using food stamps, known in California as WIC (California Special Supplemental Food Program for Women, Infants, and Children) or to people on Welfare.

Californians expect to pay for and invest in good bags that they can use time and time again. Research shows that [consumers will choose](#) a strong bag over others when they decide what bags they will use.

Make sure you're offering the best bags so that yours will be the bag of choice for your customers. No store owner wants to see a competitor's bags at their checkout!

#### 4. Do California stores have to buy from certified bag suppliers?

Some bags are only legal in California if they are purchased from a bag supplier who is certified compliant with the state.

Specifically, reusable bags made from plastic film must be purchased from a supplier who is certified by the state as compliant. The reason for this is that there are highly technical rules regarding post-consumer waste content and durability standards in these bags. Currently, plastic film bags must have a minimum of 20% post-consumer waste content. After January 1, 2020, all plastic film bags in the state will be required to have a minimum of 40% post-consumer waste content.

Reusable bags made from plastic film must be purchased from a supplier who is certified by the state as compliant.

In addition, plastic film bags must meet technical standards beyond the 2.6 mil thick measurement for durability as specified by [\(ASTM\) Standard D6988-13](#).

However, reusable bags of fabrics that are sewn do not have to be purchased by a certified compliant manufacturer. To be sure, all reusable bags including sewn fabric bags, must comply with all the specifications of the law. It is up to stores to ensure they are purchasing bags that comply and that proper testing has been done to ensure compliance.

1 Bag at a Time has been a bag specialist since 2007. We have been involved in helping cities and counties throughout the state develop bag laws. All our products meet or exceed the standards set forth by Proposition 67 and we have the testing to show it. [Just ask.](#)



## 5. When does the California bag ban start and how will it be enforced?

Proposition 67 has been in force since it passed in November 2016. It is up to each store to ensure compliance.

If you aren't sure your bag complies, the easiest way to check is to call us toll free at (888) 478-3886. We're happy to discuss all the elements of a legal bag here in California or anywhere there is a bag ban to make sure you have a legal, safe and attractive bag for your customers.

The California bag ban is in force now and all bags at all stores covered by the law are required to comply.

The California bag ban is in force now and all bags at all stores covered by the law are required to comply. Proposition 67 was a challenge to a previously enacted law known as SB270. SB270 passed the CA legislature in 2015 with an enforcement date of July 1, 2016. Because of the challenge to the law on the ballot, enforcement and enactment of the law was

suspended until the vote. As soon as voters passed the proposition to uphold the law, all provisions went into effect immediately.

Compliance is not difficult for most stores, since previous laws mandated that California stores carry and offer reusable bags to their customers. So most California grocery, pharmacies, and convenience already have reusable bags.

However, the new law has significant new tagging and messaging requirements that old bags might not meet. It is in a store's best interest to check their bags and be sure that new stock that is 100% compliant is ordered for the near future.

Enforcement can be made at the city, county or state level. Stores can be penalized up to \$1000 a day for a first offence, \$2000 a day for a second offence, and up to \$5000 a day for subsequent offences violating Prop. 67.

Store owners, it's up to you to make sure your bags comply with the law. We'll be happy to help if you need any assistance. Just call us or use our form to [request more information](#).