

Date of Hearing: May 19, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 1276 (Carrillo) – As Amended April 29, 2021

Policy Committee: Natural Resources Vote: 8 - 0

Urgency: No State Mandated Local Program: Yes Reimbursable: Yes

SUMMARY:

This bill expands and revises statute regarding the by-request-only distribution of single-use plastic straws to apply to all single-use standard condiments and food serviceware distributed by food facilities or third-party food delivery platforms (platforms). Beginning January 1, 2023, this bill requires full-service restaurants to provide reusable food serviceware, with specified exceptions.

Specifically this bill:

- 1) Defines terms used in the bill, including:
 - a) “Full-service restaurant” as an establishment with the primary business of serving food, where food may be consumed on the premises.
 - b) “Single-use food accessory” as any standard condiment in single-use packaging or single-use food serviceware.
 - c) “Single-use food serviceware” as all types of single-use items provided alongside ready to-eat food including, but not limited to, utensils, chopsticks, napkins, condiment cups and packets, straws, stirrers, splash sticks, and cocktail sticks which are designed for a single use.
 - d) “Food facility” as defined in Section 113757 of the Health and Safety Code as an operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption at the retail level (whether or not there is a charge for the food), which includes, among other things, commissaries, mobile food facilities, fisherman’s markets and catering operations.
- 2) Requires platforms to provide each of its ready-to-eat food vendors with the option to customize the vendor’s menu on the online food-ordering platform, with a list of the single-use food accessories for selection by the consumer. If a ready-to-eat food vendor chooses not to customize its menu, the platform shall post the following statement next to their menu: “This restaurant has not listed single-use food accessories on its menu.”
- 3) States that the requirement to provide single-use food accessories only upon request does not prevent a local government from adopting or implementing an ordinance or rule that would further restrict a food facility, platform, or full service restaurant from providing single-use

food accessories to a consumer.

- 4) Beginning January 1, 2023, requires full-service restaurants to provide reusable food serviceware and prohibits single-use food serviceware for on-premises dining if the restaurant has dishwashing capacity, as specified.
- 5) Authorizes a full-service restaurant to provide single-use food serviceware to consumers dining on the premises under specified conditions.
- 6) Requires a city, county or city and county, on or before June 1, 2022, to authorize a law enforcement agency to enforce the bill's requirements. Provides first and second violations result in a notice of violation, and any subsequent violations constitute infractions punishable by a fine of \$100 for each day of violation, not to exceed \$1000 annually.
- 7) Exempts correctional institutions, health care facilities public and private schools and residential care facilities from the provisions of the bill.

FISCAL EFFECT:

Unknown, potentially reimbursable local costs associated with the requirement for cities and counties to authorize a local law enforcement agency to enforce the bill (General Fund).

COMMENTS:

Background and Purpose. The Integrated Waste Management Act requires local governments to divert at least 50% of solid waste from landfill disposal and establishes a statewide goal of diverting 75% of solid waste from landfill disposal by 2020.

As one way to reach that goal, AB 1884, Chapter 576, Statutes of 2018, prohibited full-service restaurants from providing a single-use plastic straws to consumers unless requested. By expanding this statute, this bill is intended to reduce the amount of single-use food ware used in California, which has the combined benefits of source reducing the amount of waste generated and potentially reducing the amount of single-use food ware that is littered or otherwise improperly managed. According to the author:

The COVID-19 pandemic has increased takeout and food delivery, which restaurants are relying upon to stay afloat. However, the use of disposable food accessories like plastic forks, spoons, and knives has led to a rise in single-use plastics and waste. AB 1276 is an important step to significantly reduce plastic waste that pollutes our oceans, harms marine life, harms our environment, and hurts low income communities of color, while simultaneously providing financial savings to restaurants and local governments. This bill will build on California's existing efforts to combat waste from single-use items by ensuring food and beverage accessories are provided only upon request to customers.

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