

SAN FRANCISCO
CHAPTER 17: PLASTIC BAG REDUCTION ORDINANCE

[Sec. 1701. Short Title.](#)

[Sec. 1702. Definitions.](#)

[Sec. 1703. Mandatory Use of Recyclable and Compostable Checkout Bags.](#)

[Sec. 1704. Implementation.](#)

[Sec. 1705. Enforcement and Penalties.](#)

[Sec. 1706. Operative Date.](#)

[Sec. 1707. Severability.](#)

[Sec. 1708. No Conflict with Federal or State Law.](#)

[Sec. 1709. Undertaking for the General Welfare.](#)

SEC. 1701. SHORT TITLE.

This Ordinance shall be entitled the "Plastic Bag Reduction Ordinance."

(Added by Ord. 81-07, File No. 070085, App. 4/20/2007)

SEC. 1702. DEFINITIONS.

For the purposes of this Ordinance, the following words shall have the following meanings:

(a) "ASTM Standard" means the American Society for Testing and Materials (ASTM)'s International standard D6400 for compostable plastic, as that standard may be amended from time to time.

(b) "Compostable Plastic Bag" means a plastic bag that (1) conforms to California labeling law (Public Resources Code Section 42355 et seq.), which requires meeting the current ASTM-Standard Specifications for compostability; (2) is certified and labeled as meeting the ASTM-Standard by a recognized verification entity such as the Biodegradable Product Institute; (3) conforms to requirements to ensure that the renewable based product content is maximized over time as set forth in Department of the Environment regulations; (4) conforms to requirements to ensure that products derived from genetically modified feedstocks are phased out over time as set forth in Department of the Environment regulations; and (5) displays the phrase "Green Cart Compostable" and the word "Reusable" in a highly visible manner on the outside of the bag.

(c) "Checkout bag" means a carryout bag that is provided by a store to a customer at the point of sale.

(d) "Department" means the Department of the Environment.

(e) "Director" means the Director of the Department of the Environment.

(f) "Highly visible manner" means (1) for compostable plastic bags, displaying both of the following in green lettering contrasting with the bag's background color that is at least two inches high: (i) the phrase "Green Cart Compostable" "either on the front and back of the bag together with a solid green band at least one-half inch thick circling the circumference of the bag, or repeatedly, as a band of text or text alternating with solid stripe, circling the circumference of the bag, and (ii) the word "Reusable" displayed on the front and/or back of the bag; and (2) for recyclable paper bags, displaying the words "Reusable" and "Recyclable" on the front and/or back of the bag in blue lettering contrasting with the bag's background color that is at least two inches high, and (3) for both compostable plastic bags and recyclable paper bags, as otherwise required by Department of the Environment regulations.

(g) "Person" means an individual, trust, firm, joint stock company, corporation, cooperative, partnership, or association.

(h) "Pharmacy" means a retail use where the profession of pharmacy by a pharmacist licensed by the State of California in accordance with the Business and Professions Code is practiced and where prescriptions (and possibly other merchandise) are offered for sale, excluding such retail uses located inside a hospital.

(i) "Recyclable" means material that can be sorted, cleansed, and reconstituted using San Francisco's available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

(j) "Recyclable Paper Bag" means a paper bag that meets all of the following requirements: (1) contains no old growth fiber, (2) is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content, and (3) displays the words "Reusable" and "Recyclable" in a highly visible manner on the outside of the bag.

(k) "Reusable Bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and is either (1) made of cloth or other machine washable fabric, and/or (2) made of durable plastic that is at least 2.25 mils thick.

(l) "Store" means a retail establishment located within the geographical limits of the City and County of San Francisco that meets either of the following requirements:

(1) is a full-line, self-service supermarket with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items. For purposes of determining which retail establishments are supermarkets, the City shall use the annual updates of the Progressive Grocer Marketing Guidebook and any computer printouts developed in conjunction with the guidebook;, or

(2) is a retail pharmacy with at least five locations under the same ownership within the geographical limits of San Francisco.

(Added by Ord. 81-07, File No. 070085, App. 4/20/2007)

SEC. 1703. MANDATORY USE OF RECYCLABLE AND COMPOSTABLE CHECKOUT BAGS.

(a) All Stores shall provide only the following as checkout bags to customers; recyclable paper bags, and/or compostable plastic bags, and/or reusable bags.

(b) Violation of the requirements set forth in subsection (a) shall subject a Store to penalties set forth in Section 1705.

(c) Nothing in this section shall be read to preclude Stores from making reusable bags available for sale to customers.

(Added by Ord. 81-07, File No. 070085, App. 4/20/2007)

SEC. 1704. IMPLEMENTATION.

The Director, after a public hearing, may adopt and may amend guidelines, rules, regulations and forms to implement this Ordinance.

(Added by Ord. 81-07, File No. 070085, App. 4/20/2007)

SEC. 1705. ENFORCEMENT AND PENALTIES.

(a) Any person who violates this Ordinance shall be guilty of an infraction. If charged as an infraction, upon conviction thereof, said person shall be punished by (1) a fine not exceeding \$100.00 for a first violation, (2) a fine not exceeding \$200.00 for a second violation within the same year, and (3) a fine not exceeding \$500.00 for each additional violation within the same year.

(b) In the event that the City adopts an ordinance creating a procedure for the City Administrator to impose and review Administrative Penalties pursuant to California Government Code Section 53069.4, the City may impose Administrative Penalties for violation of this Ordinance as follows: (1) in an amount not exceeding \$100.00 for the first violation, (2) in an amount not exceeding \$200.00 for the second violation in the same year, and (3) in an amount not exceeding \$500.00 for each subsequent violation in the same year.

(c) The City Attorney may seek legal, injunctive, or other equitable relief to enforce this Ordinance, including without limitation, civil penalties in an amount not exceeding \$200.00 for the first violation, \$400.00 for the second violation, and \$600.00 for each subsequent violation in any given year.

(d) The City may not recover both administrative and civil penalties for the same violation.
(Added by Ord. 81-07, File No. 070085, App. 4/20/2007)

SEC. 1706. OPERATIVE DATE.

All of the requirements set forth in this Ordinance shall become operative as to Stores that are supermarkets six (6) months after its effective date. All of the requirements set forth in this Ordinance shall become operative as to Stores that are pharmacies one (1) year after its effective date.

(Added by Ord. 81-07, File No. 070085, App. 4/20/2007)

SEC. 1707. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Ordinance would be subsequently declared invalid or unconstitutional.

(Added by Ord. 81-07, File No. 070085, App. 4/20/2007)

SEC. 1708. NO CONFLICT WITH FEDERAL OR STATE LAW.

Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power or duty in conflict with any federal or state law.

(Added by Ord. 81-07, File No. 070085, App. 4/20/2007)

SEC. 1709. UNDERTAKING FOR THE GENERAL WELFARE.

In undertaking the implementation of this Ordinance, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officer and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(Added by Ord. 81-07, File No. 070085, App. 4/20/2007)