

## Chapter 6.27 CARRYOUT BAGS

### Sections:

- 6.27.005 Purpose and Intent.
- 6.27.010 Definitions.
- 6.27.020 Carryout Bag Cost Pass-Through.
- 6.27.0530 Enforcement.

#### 6.27.005 Purpose and Intent.

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- A. Carryout bags, whether **made of** plastic or other materials, are typically used for only a few minutes. But their life span from production to transportation and disposal has significant environmental impacts, including environmental contamination; consumption of energy, water, and non-renewable polluting fossil fuels; emissions of greenhouse gases; air and water pollutants; depletion of natural resources; litter on streets and in waterways; plastic pollution; and increased litter clean-up and discard management costs.
- B. The practice of freely giving customers carryout bags enables people to pay little attention to the negative environmental impacts of the bags.
- C. A fee for carryout bags would encourage both **bag reuse** ~~of materials~~, and reduction of pollutants.

#### 6.27.010 Definitions.

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- A. **"Affected establishment"** means any entity located within or doing business within the geographical limits of the City of Newport Beach that sells goods to a customer.
- B. **"Carryout bag"** means any bag with handles provided by an affected establishment to a customer at the point of sale for the purpose of carrying away goods.
- C. **"Carryout bag cost pass-through"** means the cost which must be collected by affected establishments from their customers when providing a carryout bag.
- D. **"Customer"** means any person obtaining goods from an affected establishment.

#### 6.27.020 Carryout Bag Cost Pass-Through.

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- A. An affected establishment may only provide a carryout bag to a customer if it collects a carryout bag cost pass-through from the customer for each carryout bag provided.

**Commented [JJ1]:** "Stores" as defined in PRC 42280 would be excluded due to preemption.

**Commented [JJ2]:** Ambiguity and/or Potential overbreadth issue: Encompasses disposable, re-usable, and recycled bags. E.g. retail shopping bags from dept/clothing stores.

- B. The carryout bag cost pass-through shall not be less than ten cents (\$0.10) for each carryout bag provided. The exact charge must be itemized on the receipt if one is provided.
- C. No affected establishment shall rebate or otherwise reimburse a customer for any portion of this pass-through.
- D. ~~Funds collected because of this carryout bag cost pass-through requirement may only be used for the purposes stated in California Public Resources Code Section 42283.7. Funds collected shall be retained by the affected establishment.~~

**Commented [JJ3]:** Perhaps keep language to ensure the fee is not just revenue.

**Commented [JJ4]:** Same requirement for disposable food service ware in Chapter 6.05.

**6.27.050-030 Enforcement.**

- A. Any person violating or failing to comply with any of the requirements of this Chapter shall be guilty of an infraction pursuant to Section [1.04.010](#), and shall be subject to citation and fines pursuant to Chapter [1.05](#), Newport Beach Municipal Code.