

SB 1053 Program News (Updated September 23, 2024)

Overview Legislation signed by Governor Gavin Newsom placed new restrictions on the types of bags that may be distributed at the point of sale by most grocery stores, retail stores with a pharmacy, convenience stores, food marts, and liquor stores. The new law, [SB 1053](#) (Blakespear, 2024), will impose the following changes::

- **Beginning January 1, 2026**, stores will only be allowed to distribute recycled carryout paper bags to customers at checkout counters, self-checkout kiosks, in-store pickup, curbside delivery, and home delivery for a minimum charge of ten cents (\$0.10) per bag.
- Beginning January 1, 2028, recycled paper bags distributed at stores will be required to contain at least 50% postconsumer recycled materials.

Questions and Answers

1. How does the new law impact the current administration of the SB 270 Reusable Grocery Bag Program?

CalRecycle will continue to implement the existing program in accordance with the SB 270 statutes and regulations until the program is repealed on January 1, 2026.

Reusable grocery bag producers and distributors who wish to have their bags included on the [List of Certified Reusable Grocery Bags and Producers](#) must continue to comply with the SB 270 Reusable Grocery Bag Program requirements until December 31, 2025.

2. If a bag producer included on the [List of Certified Reusable Grocery Bags and Producers](#) (List) is due to recertify their bags prior to January 1, 2026, will they have to pay the full biennial certification fee amount?

Reusable grocery bag producers must submit proof of certification documentation and pay the full biennial certification fee amount, as specified by the SB 270 [statute](#) and [regulations](#), to remain on the List.

SB 1053 did not include a provision that lowered or prorated the amounts of the administrative certification fees, nor did it grant CalRecycle authority to accept lesser fee amounts than those established by the regulations.

3. Are there any recycled paper carryout bag requirements that will not be changing?

The following requirements for paper bags will remain the same:

- Stores must charge customers a minimum of ten cents (\$0.10) per bag, if provided at the point of sale.
- The bag must be accepted for recycling in curbside programs in most households in California.
- The bag must have the following information printed on them:
 - The name of the manufacturer

- The country where the bag was manufactured
- The percentage of postconsumer content

4. Are there any types of bags, other than recycled paper carryout bags, that can be provided to customers?

Stores may continue to sell reusable grocery bags that are not located at the point of sale.

Stores may also continue to distribute the following types of bags:

- Bags used by pharmacies for prescription medication.
- Bags without handles used to protect a purchased item from damage or contamination.
- Bags used to contain unwrapped food items, like bulk foods or loose produce.
- Bags without handles that are designed to be placed over articles of clothing on a hanger, such as dry-cleaning bags.

5. Are there any requirements or restrictions for pre-checkout bags?

Beginning January 1, 2025, new requirements established by [SB 1046](#) (Eggman, Chapter 991, Statutes of 2022) will go into effect. Stores will only be allowed to provide pre-checkout bags (to contain items like bulk foods or loose produce) to customers if they are recycled paper bags or compostable bags that meet the following criteria:

- Complies with the color and labeling standards described in [PRC section 42357.5](#).
- Is eligible to be labeled with the terms “compostable” or “home compostable” pursuant to [PRC section 42357](#).
- Has a minimum 15-inch mouth width.