



City of Los Altos

Reusable Bag Ordinance

Information for Retailers

Ordinance Basics

The City of Los Altos has adopted a Reusable Bag Ordinance to reduce environmental impacts and pollution from plastic bags, reduce waste and promote a shift towards reusable bags.

Beginning July 4, 2013, retail stores in Los Altos may no longer provide plastic carryout bags, and must charge a minimum of \$0.10 for each paper or reusable bag sold to customers.

Customers may bring their own reusable bags or purchase paper or reusable bags from stores.

More Information:

www.losaltosca.gov

Requirements for Retailers Effective July 4, 2013

(Including Ordinance Amendment Adopted in December 2014)

- Stores may no longer provide plastic single-use carryout bags beginning July 4, 2013.
- The Ordinance applies to retail and service establishments selling perishable or non-perishable goods directly to the customer, such as food, clothing, beauty products or personal items. Consignment stores and other for-profit resale shops must also comply with the ordinance.
- The Ordinance does not apply to restaurants or non-profit charitable resale stores.
- Customers may purchase a reusable bag or a recycled paper bag from retail stores for a minimum charge of \$0.10 bag.
- Stores keep the money collected from bag sales and the sale of bags; however, the sale of bags is not subject to sales tax.
- Stores must itemize paper and reusable bag sales on customer receipts, retain records of the number of bags purchased for 3 years and provide records if requested by the City. The City is not requiring any specific format for the record keeping.
- Stores may provide paper bags at no charge to customers purchasing goods with Women, Infants, and Children (WIC), CalFresh, Supplemental Nutrition Assistance Program (SNAP), or other food stamp cards.
- Protective bags (without handles) may be provided at no charge to customers to segregate items that can be damaged or can contaminate other products, provided they are then placed together within a reusable or recycled paper bag at the point of sale. This includes protective bags for meat, produce, prescriptions, greeting cards, live fish or bulk items.
- Paper bags must contain a minimum of 40% post-consumer recycled content, be 100% recyclable, and have the words “reusable” and “recyclable” displayed clearly on the bag (placement on the bottom of the bag is acceptable).
- Reusable bags must be made of machine-washable fabric or durable plastic that is at least 2.25 mil thick.

Tips for Retailers to Stay On-Track



**NO MORE
SINGLE-USE
PLASTIC BAGS**



**PAY FOR A
PAPER OR
REUSABLE BAG**



**BRING YOUR
OWN BAG**

- **Phase out plastic single-use carryout bags**
Use your current supply or exchange for compliant bags before July 4, 2013. You may also donate your unused supply to non-profit charitable thrift stores.
- **Find a source for recycled paper and/or reusable bags**
Talk to your distributor now to find bags that meet ordinance requirements or use the bag supplier list enclosed in this informational packet.
- **Create a recordkeeping system by July 4, 2013**
Develop a system to track paper and reusable bag supply purchases and bag sales. Assign barcodes and program cash registers to show bag sales on receipts. Keep records at the store for 3 years for compliance inspections.
- **Prepare your employees**
Train your employees about the City's Ordinance and its intended purpose, which is to promote a shift towards the use of reusable bags and to reduce waste. Remind employees to always ask if the customer would like to use their own bags or purchase recycled paper or reusable bags for a minimum of \$0.10 per bag. Inform cashiers that customers using food stamp cards are exempt from paper bag charges. Discuss the appropriate use of protective bags.
- **Prepare your customers**
The City will provide window posters and cashier tents you may wish to display in your store to remind customers of the bag ordinance. Consider offering free reusable bags branded with your logo as a promotion before July 4, 2013. The City will also educate residents through various outreach activities, the City's website, community forums and at community events.
- **Get help**
City staff is available to answer questions to help guide your businesses through this transition. Contact Erica Ray, Public Information Coordinator at (650) 947-2611 or eray@losaltosca.gov.



More Information:

www.losaltosca.gov

For more information regarding the Reusable Bag Ordinance, visit:

www.losaltosca.gov

Retailer Frequently Asked Questions (FAQs)

Who is Affected?

Which stores are affected?

All retail establishments including, but not limited to, grocery, clothing, gift, eyewear, convenience, pharmacies, consignment stores and special event festival booths in Los Altos are affected.

What businesses are exempt?

- Restaurants
- Any store providing a service (e.g., dry cleaners or shoe repairs), but not if a good is sold (e.g., beauty products at a hair salon)
- Non-profit charitable resellers (non-profit thrift stores)

For-profit stores that sell used goods, such as consignment shops, are not exempt from the Ordinance.

I am a retailer who uses plastic bags, but not for customer purchases. Am I exempt?

If your store only provides a service and does not sell any products, you are exempt from the Ordinance. A hair salon that sells products would not fall under this category, but a shoe repair shop that sells no materials would be exempt.

Allowable Bags

What types of bags am I allowed to use if I can no longer use single-use carryout bags?

Compliant bags include the following:

- Recycled paper bags made of no old growth fiber and a minimum of 40% post-consumer recycled content that are 100% recyclable with words “reusable” or “recyclable” printed on the outside of the bag
- Durable plastic bags with handles that are at least 2.25 mil thick and are designed to be used multiple times
- Reusable bags made of cloth or machine washable fabric

Are biodegradable/compostable bags allowed?

No. Biodegradable and/or compostable are not permitted in this Ordinance.

Where can I purchase compliant bags for my store?

Talk to your bag manufacturer about sourcing bags that meet the specifications as indicated in the Ordinance. You may also refer to the list of bag suppliers included in this packet.

What about small bags I use for cards, jewelry, small baked goods, etc.?

These are considered “protective bags” and are excluded under the Ordinance. The Ordinance specifies that the definition of single-use carryout bags does not include bags without handles that are used to “segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a reusable bag or recycled paper bag at the point of sale.”

Retailer Frequently Asked Questions (FAQs)

I am a retailer who has a large supply of plastic single-use bags and I do not turn them over quickly enough. What can I do about these bags?

One option is to donate the bags to a non-profit charitable resale shop that can reuse them. Another option is to donate them to a local food bank.

Bag Charge Fee

Are retailers required to charge?

Yes. Businesses are required to charge a minimum of \$0.10 per checkout bag. The \$0.10 charge must be listed as a separate itemized transaction on the customer's receipt with records kept for at least 3 years.

Is the bag charge fee taxable?

No. The \$0.10 charge is not taxable to the consumer according to the State Board of Equalization [Special Notice: Sales Tax Does Not Apply to City and County Bag Surcharges](#). If you charge more than \$0.10 per bag, then the remainder of the price is taxable.

Are all bags provided by stores subject to a charge?

No. Protective bags without handles for items such as produce, bulk items, meats, baked goods, jewelry, prescription medications, and greeting cards are exempt from the Ordinance and therefore can be provided to the customer without charge.

Do we have to charge for all bags, not just paper bags, as long as they are allowable bags under the Ordinance?

Yes. A retailer must charge customers a minimum of \$0.10 for all compliant bags, including paper, 2.25 mil thick plastic bags or cloth reusable bags.

Does everyone have to pay the bag charge?

No. Customers purchasing food with Women, Infant, Children (WIC) or CalFresh/Supplemental Nutrition Assistance Program (SNAP) Programs are exempt from the bag charge.

Who gets the bag charge fee?

Stores keep the entire checkout bag charge in order to offset the cost of purchasing compliant bags.

Can a retailer discount the cost of the \$0.10 bag fee?

No. A retailer must charge a minimum of \$0.10 for an allowable bag as directed in the Ordinance as a line item on the receipt. Stores are allowed to apply discounts to the merchandise purchased, if desired.

Does the sale of a paper or reusable bag need to be on a customer receipt?

Yes. All sales of compliant bags must be itemized separately on the customer receipt.

Retailer Frequently Asked Questions (FAQs)

Recordkeeping

What records are retailers required to maintain?

Stores must keep a record for up to 3 years of the following:

- The number of compliant bags purchased by the retailer
- The number of compliant bags sold to the customer

What format do the records need to be in and do stores need to submit records to the City?

The City of Los Altos is not requiring that the records kept by the stores follow any specific format. The records must be available to the City upon request within a reasonable time frame, but retailers will not be required to make periodic submittals.

Enforcement

How will the Reusable Bag Ordinance be enforced?

The City of Los Altos expects to conduct occasional random spot-checks and will also enforce the Ordinance on a complaint basis.

What are the consequences if a store does not comply with the Ordinance?

The City anticipates voluntary compliance by stores. If enforcement is required, it will begin with a written warning notice. If a store operator continues to violate any section of the Ordinance, the operator will be guilty of an infraction and subject to a fine of \$100. A second violation (on a separate calendar day) will result in a fine of \$200. Subsequent violations will result in fines of \$500.

Contact for Additional Assistance

Thank you for your support of the City of Los Altos Reusable Bag Ordinance.

If you have additional questions or need clarification on the information provided please contact Erica Ray, Public Information Coordinator at eray@losaltosca.gov or (650) 947-2611.