



MEETING DATE: October 24, 2022

SUBJECT: Status Update – Single Use Plastics

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BACKGROUND

On October 5, 2021, Governor Newsom signed Assembly Bill (“AB”) 1276 (Carillo) into law to prohibit a food facility from providing any single-use foodware accessory or standard condiment to a consumer unless requested by the consumer. AB 1276 requires the City to authorize an enforcement agency to enforce the new requirements. This assembly bill requires the City to adopt an ordinance in accordance with the state law as it is currently written. It may be possible to amend it in the future.

AB 1276 Summary:

- AB 1276 is designed to reduce excess packaging and undesired condiments by prohibiting a food facility to provide single-use accessories to consumers only upon request and for ready-to-eat food.
- The law prohibits single-use foodware accessories from being bundled or packaged, which prohibits the customer from taking only the item desired.
- It authorizes a food facility to ask a drive-through customer if the customer wants a single-use foodware accessory in specified circumstances.
- The law requires a food facility using a third-party food delivery platform to list on its menu the available single-use accessory or condiment and only provide the item when requested.
- The law excludes from these requirements correctional institutions, health care facilities, residential care facilities, and public and private school cafeterias.

DISCUSSION

At the November 15, 2022, City Council meeting, Staff will recommend that the City conduct a public hearing, waive the reading, and adopt the ordinance prohibiting a food facility from providing any single-use foodware accessory or standard condiment unless requested by the consumer and authorizing City enforcement and penalties.