

San Mateo County's Reusable Bag Ordinance Frequently Asked Questions for Retailers



ORDINANCE BASICS

What does the Reusable Bag Ordinance do?

The Reusable Bag Ordinance prohibits single-use carryout bags at retail stores within unincorporated San Mateo County and within cities that have adopted the Ordinance.

As of **January 1, 2015**, reusable bags or bags made of recycled content paper may be provided, but only if the store charges a minimum price of 25 cents per allowable bag.

Why was this ordinance adopted?

The Reusable Bag Ordinance was adopted by San Mateo County and participating cities to decrease the number of bags going to landfill, reduce litter in our local waterways, and save cities money on litter and storm drain cleanup.

This ordinance helps reduce unnecessary waste, contamination in recycling and composting programs, and litter, all of which is costly to San Mateo County taxpayers, as well as harmful to marine life. The Ordinance encourages customers to bring their own bags in order to reduce the impact of single-use bags to the County and the environment.

How can I learn more about the Ordinance?

Updated information may be found on San Mateo County Environmental Health Services website at smchealth.org/bagban, or by calling (650) 372-6200.

WHO IS AFFECTED?

Which retailers are affected?

All retail establishments, including, but not limited to grocery, clothing, convenience, and pharmacy stores in San Mateo County are affected.

Restaurants and non-profit charitable reuse organizations *are not* impacted by the Ordinance. Non-profits are defined as a charitable organization, as defined in Section 501(c)(3) of the Internal Revenue Code of 1986. A distinct operating unit or division of the charitable organization that reuses and recycles donated goods or materials, and *receives more than fifty percent of its revenues from the handling and sale of those donated goods or materials* is also unaffected.

BAGS

What type of bags am I allowed to distribute if I can no longer use single-use plastic bags?

- *Recycled paper bags made of no old growth fiber and a **minimum of 40 percent post-consumer recycled content**, 100% recyclable with words "reusable" and "recyclable" printed on the outside.
- *And/or reusable bags made of cloth or machine washable fabric or a durable plastic material with handles, at **least 2.25 mil thick**, and designed for multiple reuse.*Retailers must charge 25 cents per allowable bag.



Are biodegradable/compostable bags allowed?

No. At this time, biodegradable and/or compostable are not included in San Mateo County’s ordinance.

Where can I purchase post-consumer recycled content paper bags for my store?

Talk to your bag distributor about sourcing bags that meet the specifications as indicated in the Ordinance. Please see this list of [Recycled Paper Bag Suppliers](#).

BAG CHARGE FEE

Are retailers required to charge the minimum bag charge ?

Yes, businesses are required to charge a **minimum** of 25 cents per paper checkout bag or reusable bag.

The bag fee must be listed as a separate itemized transaction on the customer’s receipt, and records must kept for three years.

Is the bag charge taxable?

The 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](#).

Are all bags provided by stores subject to a charge?

No. Produce, bulk item, meat bags, protective bags (for example: small bags for baked goods or nails/screws/wine), garment cleaning bags, newspaper bags, and bags used to hold prescription medications are all exempt.

Does everyone have to pay the bag charge?

Customers purchasing food with Women, Infant, Children (WIC) or CalFresh/Supplemental Nutrition Assistance Program (SNAP) Programs may be given a waiver for the bag charge.

Is there an end date for waiving the bag charge to WIC, Calfresh or SNAP recipients?

No.

Who keeps the bag charge?

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

Can a retailer discount the cost of the bag charge ?

No. A retailer must charge the minimum amount for an allowable bag as directed in the Ordinance.

ENFORCEMENT

How will the Reusable Bag Ordinance be enforced?

San Mateo County Environmental Health Services inspectors will enforce the Ordinance.