

ASSEMBLY BILL

No. 1347

Introduced by Assembly Member Ting

February 16, 2023

An act to add Chapter 3.7 (commencing with Section 42190) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1347, as introduced, Ting. Solid waste: paper waste: proofs of purchase.

Existing law prohibits certain stores from providing a single-use carryout bag to a customer at the point of sale and prohibits full-service restaurants from providing single-use plastic straws to consumers unless requested by the consumer.

This bill would require a business, as defined, that accepts payment through cash, credit, or debit transactions, subject to certain exceptions, to provide a proof of purchase to a consumer only at the consumer's option and would prohibit a business from printing a paper proof of purchase if the consumer opts to not receive a proof of purchase, unless otherwise required by state or federal law. The bill would require the proof of purchase to be provided in electronic form or paper form, at the consumer's option, if a consumer opts to receive a proof of purchase, unless a prescribed form is otherwise required by state or federal law or the business is incapable of sending an electronic proof of purchase due to unexpected technical difficulties. The bill would prohibit a paper proof of purchase provided to a consumer by a business from containing bisphenol A or bisphenol S, and from including items not essential to the transaction, including, but not limited to, coupons or advertisements. The bill would specify that the first and 2nd violations of any of those

provisions would result in a notice of violation and any subsequent violation would be punishable by a civil penalty of \$25 for each day the business is in violation, but not to exceed an annual total of \$300. The bill would authorize the Attorney General, a district attorney, or a city attorney to enforce those provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The report titled “Skip the Slip: Environmental Costs &
4 Human Health Risks of Paper Receipts with Proposed Solutions”
5 from Green America found that more than 3,000,000 trees and
6 9,000,000,000 gallons of water in America are used to create proof
7 of purchase receipts.

8 (b) Receipts generate 302,000,000 pounds of waste and
9 4,000,000,000 pounds of carbon dioxide, the equivalent of more
10 than 425,000 cars on the road, and most paper receipts contain
11 chemicals that would contaminate other recyclable paper materials.

12 (c) The Ecology Center found that 93 percent of paper receipts
13 are coated with bisphenol A (BPA) or bisphenol S (BPS)
14 chemicals. The United States Food and Drug Administration has
15 banned BPA from baby bottles because those chemicals are known
16 to disrupt hormones, causing cancerous tumors, birth defects, and
17 other developmental issues.

18 (d) The BPA or BPS on receipts can enter people’s bodies
19 simply through touch, which poses a major risk to retail workers,
20 who have 30 percent more BPA or BPS found in their bodies than
21 others who do not have regular contact with receipts, according
22 to the Environmental Working Group and the Centers for Disease
23 Control and Prevention.

24 (e) The State of Connecticut banned the use of receipt paper
25 containing BPA in 2011, and the European Union will restrict the
26 use of BPA in thermal paper beginning in 2020 and is also
27 investigating similar restrictions on the use of BPS.

28 (f) Prohibiting businesses from providing paper receipts except
29 upon request would have significant positive environmental and
30 public health effects.

1 SEC. 2. Chapter 3.7 (commencing with Section 42190) is added
2 to Part 3 of Division 30 of the Public Resources Code, to read:

3
4 CHAPTER 3.7. PROOF OF PURCHASE

5
6 42190. For purposes of this chapter, the following definitions
7 apply:

8 (a) (1) “Business” means a person that accepts payment through
9 cash, credit, or debit transactions.

10 (2) “Business” does not include either of the following:

11 (A) A health care provider, as defined in Section 123105 of the
12 Health and Safety Code.

13 (B) An entity organized as a nonprofit institution that has annual
14 gross sale receipts of less than two million dollars (\$2,000,000).

15 (b) “Consumer” means a person who purchases, and does not
16 offer for resale, food, alcohol, other tangible personal property, or
17 services.

18 (c) “Invoice” means an itemized list of goods or services
19 provided before or after the point of sale through a contract stating
20 the amount due.

21 (d) “Person” includes any individual, firm, association,
22 organization, partnership, limited liability company, business trust,
23 corporation, or company.

24 (e) “Proof of purchase” means a receipt for the retail sale of
25 food, alcohol, or other tangible personal property, or for the
26 provision of services, provided at the point of sale, but does not
27 include an invoice.

28 42190.1. (a) On and after January 1, 2024, a proof of purchase
29 shall be provided to a consumer by a business only at the
30 consumer’s option, unless a proof of purchase is otherwise required
31 to be given to the consumer by state or federal law.

32 (b) On and after January 1, 2024, a paper proof of purchase
33 shall not be printed by a business if the consumer opts to not
34 receive a proof of purchase, unless otherwise required by state or
35 federal law.

36 (c) (1) On and after January 1, 2024, if a consumer opts to
37 receive a proof of purchase pursuant to subdivision (a), the proof
38 of purchase shall be provided in electronic form or paper form, at
39 the consumer’s option, unless a prescribed form is otherwise
40 required by state or federal law.

- 1 (2) Notwithstanding paragraph (1), a business is not required
2 to provide an electronic proof of purchase if, due to limited internet
3 connectivity, a power outage, or other unexpected technical
4 difficulties, the business is incapable of sending an electronic proof
5 of purchase.
- 6 (d) A paper proof of purchase provided to a consumer by a
7 business shall not contain bisphenol A or bisphenol S.
- 8 (e) (1) A paper proof of purchase provided to a consumer by a
9 business shall not include printouts of items nonessential to the
10 transaction if those nonessential items make the paper proof of
11 purchase longer than necessary to provide the consumer with the
12 essential items to the transaction.
- 13 (2) “Items nonessential to the transaction” include, but are not
14 limited to, coupons or advertisements.
- 15 (f) The Attorney General, a district attorney, or a city attorney
16 may enforce this section. The first and second violations of this
17 section shall result in a notice of violation, and any subsequent
18 violation shall be punishable by a civil penalty of twenty-five
19 dollars (\$25) for each day the business is in violation, but not to
20 exceed three hundred dollars (\$300) annually.
- 21 (g) (1) Nothing in this section shall be construed to alter a
22 consumer privacy protection required pursuant to the California
23 Consumer Privacy Act of 2018 (Title 1.81.5 (commencing with
24 Section 1798.100) of Part 4 of Division 3 of the Civil Code).
- 25 (2) Nothing in this section is intended to alter the consumer
26 rights of individuals.