

# Retailer Frequently Asked Questions

## What is the Reusable Bag Ordinance?

Starting on Earth Day, April 22, 2013, retail stores in the City of Mountain View may not provide single-use plastic carryout bags (including compostable bags) at the checkout stand. Stores may provide paper bags and reusable bags for a minimum charge of ten cents per bag.

## Why is the City of Mountain View adopting a Reusable Bag Ordinance?

- In Mountain View, it is estimated that 40 million single-use plastic bags are used yearly, but less than 5% are recycled. The rest end up in landfills or as litter in waterways, damaging storm water utility systems and harming the marine environment.
- California taxpayers spend \$25 million annually to clean up litter, including plastic bags.
- The Municipal Regional Stormwater Permit requires a reduction in plastic bag litter in waterways.
- Ordinances have proven effective in other cities. After one year, San Jose found an 89% reduction in bag litter in storm drains, 60% reduction in streets, and increase in use of reusable bags from 4% to 62%.

## Are produce, meat and pharmacy bags allowed?

Protective bags made from paper or plastic, **without** handles, can be provided **if** used to:

- Transport prepared food, produce, bulk food or items, meat, produce **within a store to the cashier**.
- Hold *prescription* medication from a pharmacy.
- Segregate food or goods that could damage or contaminate other food or goods **when placed together in a reusable or recycled paper bag**.

Banned plastic carryout bags are **not** protective bags.

## What stores are affected by the ordinance?

The ordinance affects any retail store that sells perishable or nonperishable **goods** directly to a customer. Examples include grocery, pharmacy, clothing, mini-marts, liquor, video, farmer's markets, pet and hardware stores.

## What businesses are exempt from the ordinance?

- Any public eating establishment that generates 90% or more of its revenue from the sale of prepared food items (e.g. restaurants and fast food).
- Any store providing a **service** (e.g. dry cleaners), but not if a **good** is sold (e.g. car wash gift shop).
- Nonprofit charitable reusers (e.g. thrift stores).

## Do stores need to charge for bags?

Yes. Stores are required to **charge a minimum of ten cents per paper or reusable bag** to promote a shift towards the use of reusable carryout bags and reduce waste. A store may charge more for reusable bags (e.g. many bags are sold for \$1.00-\$3.00, depending on features).

## Who keeps the ten cent charge on bags?

Retailers retain the money to help offset costs for record-keeping, training, and bag supplies. The bag charge makes customers aware that there are **no free carryout bags**.

## Do stores need to itemize the sale of bags on the customer receipt?

Yes, all sales of paper or reusable bags must be separately itemized on the customer sales receipt, including the ten cent charge per bag.

**May stores provide the paper or reusable carryout bags as a promotion, or discount the 10 cent bag charge?** A retailer may not discount the 10 cent bag charge, but may offer bags as part of a promotion where the costs of *other* goods are discounted to compensate for the 10 cent bag charge. For example, buy 10 items for a sales price and get a reusable bag. To prevent complaints about offering "free bags" prohibited by the ordinance, it should be clear to the customer that the other items are discounted to compensate, and a 10 cent bag charge is printed on the receipt.

## Do stores need to keep a record of all bags sold?

Yes, stores must keep records of **how many** reusable and paper bags were **purchased** by the retailer and **sold** to customers; and keep 3 years of records available for City inspection at the store.

## Will the City assist stores in complying?

City staff will be visiting stores to answer questions and provide a Retailer's Toolkit and signage. **Schedule an appointment now by calling (650) 903-6311 or by emailing [recycle@mountainview.gov](mailto:recycle@mountainview.gov)**.

## What happens if a store does not comply?

The City will enforce the ordinance on a complaint basis and through spot checks. Repeated non-compliance with the terms of the ordinance, including providing false information or incomplete records, is considered a Mountain View City Code violation, subject to warning, citation and/or fine after April 22, 2013.

## Will the ten cent charge on all bags stay the same?

Yes. The City Council amended the ordinance in 2014 to keep the 10 cent bag charge because the ordinance is motivating reuse.

## Is the paper or reusable 10 cent bag charge taxable?

No, refer to the State Board of Equalization at [www.boe.ca.gov/news/pdf/I282.pdf](http://www.boe.ca.gov/news/pdf/I282.pdf) for additional information.

## Is Mountain View the only city banning plastic bags and charging for paper and reusable carryout bags?

Mountain View has joined a regional effort with 24 cities to adopt similar ordinances that will provide consistent regulations in a broad geographical area, lessening confusion for customers and encouraging fair business practices. Cupertino, Los Altos, Los Gatos, Mountain View, Palo Alto, Sunnyvale, San Jose, and County of Santa Clara have adopted ordinances in this county.