



Kate Harrison
Councilmember District 4

CONSENT CALENDAR
February 19, 2019

To: Honorable Mayor and Members of the City Council
From: Councilmembers Kate Harrison, Rigel Robinson, and Cheryl Davila
Subject: Support for AB 161 (Skip the Slip)

RECOMMENDATION

Send a letter of support for AB 161, which requires that proof of purchase (receipts) be provided only in electronic form unless the customer specifically requests paper, to Senator Skinner and Assemblymember Wicks

BACKGROUND

AB 161 (Ting) requires that following retail sale of food, goods, and services, the proof of purchase be provided only in electronic form unless the customer specifically requests a paper receipt. Violations would result in small administrative fines assessed on the noncompliant business, enforced by the same officers authorized to enforce the California Retail Food Code.

According to Green America¹ 10 million trees and 21 billion gallons of water are used to create proof of purchase receipts every year in America. After they are produced, receipts generate 686 million pounds of solid waste and 12 billion pounds of carbon dioxide. These 10 million trees represent more than 15% of the 68 million trees used to produce paper.

A 2018 study² showed that 93% of tested paper receipts had elements of bisphenol A (BPA) or bisphenol S (BPS), chemicals with notable negative effects on hormones and metabolism. Exposure to BPA or BPS during pregnancy has been found to affect fetal impact and is linked to ADHD, obesity, and type 2 diabetes. Retail workers and other people who handle receipt paper as a part of their job are at especially high risk of exposure; though the chemicals are present in some plastics, roughly 88% of BPS exposure comes from handling receipts. The City of Berkeley has already acknowledged the negative effects of BPA-treated receipt paper. On September 25th, 2018, the City Council voted to implement a community education effort on the adverse

¹ <https://greenamerica.org/skiptheslip>

² https://www.ecocenter.org/sites/default/files/healthy-stuff/Ecology%20Center%20Receipt%20Study%202018%20Report%20final_0.pdf

health effects of BPA-treated paper. AB 161 represents a tangible way to reduce everyday exposure to BPA.

In addition to the health impacts, thermal paper cannot be recycled, and traces of BPA contaminate other recovered fibers.

Decreasing reliance on receipt paper would improve California's environmental and human health.

FISCAL IMPACTS OF RECOMMENDATION

None.

ENVIRONMENTAL SUSTAINABILITY

The production and disposal of paper receipts generates billions of pounds of carbon dioxide every year. Decreasing California's reliance on paper receipts would have a significant positive effect on the environment.

CONTACT PERSON

Kate Harrison, Berkeley City Councilmember, (510) 981-7140

Attachments:

- 1: Draft Letter of Support
- 2: Text of AB 161 (Ting)

The Honorable Buffy Wicks
Member of the Assembly
State Capitol, Room 5160
Sacramento, CA, 95814

Re: AB 161 (Ting)

Dear Assemblymember Wicks,

Berkeley City Council writes in support of AB 161 (Ting), which would reduce our state's reliance on receipt paper.

Receipt paper is wasteful to produce and dispose of. The solid waste of old receipts produces 12 billion pounds of carbon dioxide every year in America alone. When receipts are printed on thermal paper, the bisphenol A or bisphenol S can cause significant health defects. BPA is an endocrine disruptor that can alter the functions of hormone receptors, affect fertility, and cause fetal defects when pregnant women are exposed to the chemical.

AB 161 would require all businesses to offer electronic receipts as a default, providing paper receipts only upon specific request. Businesses that do not comply would be issued nominal fines according to the California Retail Food Code. These small fines would lead to significant decreases in paper receipts, which will benefit human and environmental health across California.

Respectfully,
Berkeley City Council

CC: Senator Nancy Skinner
Assemblymember Buffy Wicks

ASSEMBLY BILL

No. 161

Introduced by Assembly Member Ting

January 7, 2019

An act to add Chapter 5.8 (commencing with Section 42359) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 161, as introduced, Ting. Solid waste: paper waste: electronic proofs of purchase.

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for, and provides for regulation by the State Department of Public Health of, retail food facilities, as defined. Existing law defines “enforcement officer,” for purposes of enforcing these provisions, to mean certain appointees of the State Public Health Officer, and all local health officers, directors of environmental health, and their duly authorized registered environmental health specialists and environmental health specialist trainees.

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, on and after January 1, 2022, a proof of purchase for the retail sale of food, alcohol, or other tangible personal property, or for the provision of services, provided to a consumer, as defined, by a business to be provided only in electronic form, unless the consumer requests that the proof of purchase be provided in paper form. The bill would specify that the first and 2nd violations of these provisions would result in a notice of violation and any subsequent

violation would be an infraction punishable by a fine of \$25 for each day the business is in violation, but not to exceed an annual total of \$300. The provisions would be enforced by the same enforcement officers authorized to enforce the California Retail Food Code. By creating a new crime and imposing additional enforcement duties on local health agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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 10 million trees and 21 billion
- 6 gallons of water in America are used to create proof of purchase
- 7 receipts.
- 8 (b) Receipts generate 686 million pounds of waste and 12 billion
- 9 pounds of carbon dioxide, the equivalent of one million cars on
- 10 the road, and most paper receipts contain chemicals that would
- 11 contaminate other recyclable paper materials.
- 12 (c) The Green America report also found that 93 percent of
- 13 paper receipts are coated with Bisphenol-A (BPA) or Bisphenol-S
- 14 (BPS) chemicals, which the United States Food and Drug
- 15 Administration has banned from baby bottles because those
- 16 chemicals are known to disrupt hormones, causing cancerous
- 17 tumors, birth defects, and 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,

1 who have 30 percent more BPA or BPS found in their bodies than
2 others who do not have regular contact with receipts.

3 (e) Data from Square, a company that provides mobile payment
4 services, shows that their sellers send over 10 million digital
5 receipts each month.

6 (f) Prohibiting businesses from providing paper receipts except
7 upon request would have significant positive environmental and
8 public health effects.

9 SEC. 2. Chapter 5.8 (commencing with Section 42359) is added
10 to Part 3 of Division 30 of the Public Resources Code, to read:

11
12 CHAPTER 5.8. PROOF OF PURCHASE

13
14 42359. For purposes of this chapter, the following definitions
15 apply:

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

19 (b) “Electronic form” includes, but is not limited to, a form sent
20 through email or text message.

21 (c) “Enforcement officer” has the same meaning as specified
22 in Section 113774 of the Health and Safety Code.

23 42359.1. (a) On and after January 1, 2022, a proof of purchase
24 for the retail sale of food, alcohol, or other tangible personal
25 property, or for the provision of services, provided to a consumer
26 by a business shall be provided only in electronic form, unless the
27 consumer requests that the proof of purchase be provided in paper
28 form.

29 (b) This section shall be enforced by an enforcement officer.
30 The first and second violations of subdivision (a) shall result in a
31 notice of violation, and any subsequent violation shall constitute
32 an infraction punishable by a fine of twenty-five dollars (\$25) for
33 each day the business is in violation, but not to exceed three
34 hundred dollars (\$300) annually.

35 SEC. 3. No reimbursement is required by this act pursuant to
36 Section 6 of Article XIII B of the California Constitution for certain
37 costs that may be incurred by a local agency or school district
38 because, in that regard, this act creates a new crime or infraction,
39 eliminates a crime or infraction, or changes the penalty for a crime
40 or infraction, within the meaning of Section 17556 of the

AB 161

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1 Government Code, or changes the definition of a crime within the
2 meaning of Section 6 of Article XIII B of the California
3 Constitution.

4 However, if the Commission on State Mandates determines that
5 this act contains other costs mandated by the state, reimbursement
6 to local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.

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