

AMENDED IN SENATE APRIL 16, 2013

**SENATE BILL**

**No. 509**

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**Introduced by Senator DeSaulnier**

February 21, 2013

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An act to amend Section 42357 of the Public Resources Code, relating to recycling *add Section 1043 to the Government Code, relating to health care coverage, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 509, as amended, DeSaulnier. ~~Plastic products: labeling~~ *California Health Benefit Exchange: background checks.*

*Under the federal Patient Protection and Affordable Care Act (PPACA), each state is required, by January 1, 2014, to establish an American Health Benefit Exchange that makes available qualified health plans to qualified individuals and small employers. Existing state law establishes the California Health Benefit Exchange (Exchange) within state government, specifies the powers and duties of the executive board governing the Exchange, and requires the board to facilitate the purchase of qualified health plans through the Exchange by qualified individuals and small employers by January 1, 2014. Existing law creates the California Health Trust Fund as a continuously appropriated fund for the administrative and operational expenses of the Exchange.*

*This bill would authorize the board to require, and to submit to the Department of Justice, fingerprint images and related information of employees, prospective employees, contractors, subcontractors, volunteers, or vendors for the purposes of obtaining prescribed criminal history information. The bill would require the department to forward to the Federal Bureau of Investigation (FBI) requests for federal*

*summary criminal history information, and would require the department to review the information returned from the FBI and compile and disseminate a response to the board. The bill would require the department to charge a fee sufficient to cover the costs of processing requests pursuant to the bill. The bill, by expanding the purposes for which the moneys in the fund would be spent, would make an appropriation.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing law prohibits the sale of a plastic product, including plastic bags, labeled as “compostable,” “home compostable,” or “marine degradable” unless it meets certain specifications or certifications, or a standard adopted by the Department of Resources Recycling and Recovery. Existing law also prohibits the sale of a plastic product that is labeled as “biodegradable,” “degradable,” “decomposable,” or as otherwise specified.~~

~~This bill would make a technical nonsubstantive change to those provisions.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

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

1     SECTION 1. Section 1043 is added to the Government Code,  
2     to read:  
3     1043. (a) The executive board of the California Health Benefit  
4     Exchange may require, and may submit to the Department of  
5     Justice, fingerprint images and related information required by  
6     the Department of Justice of all employees, prospective employees,  
7     contractors, subcontractors, volunteers, or vendors for the  
8     purposes of obtaining information as to the existence and content  
9     of a record of state or federal convictions and also information as  
10    to the existence and content of a record of state or federal arrests  
11    for which the Department of Justice establishes that the person is  
12    free on bail or on his or her recognizance pending trial or appeal.  
13    (b) The Department of Justice shall forward to the Federal  
14    Bureau of Investigation requests for federal summary criminal  
15    history information received pursuant to subdivision (a). The  
16    Department of Justice shall review the information returned from

1 *the Federal Bureau of Investigation and compile and disseminate*  
2 *a response to the board.*

3 *(c) The Department of Justice shall provide a state or federal*  
4 *level response to the board pursuant to paragraph (1) of*  
5 *subdivision (p) of Section 11105 of the Penal Code.*

6 *(d) The board shall request from the Department of Justice*  
7 *subsequent notification service, as provided pursuant to Section*  
8 *11105.2 of the Penal Code, for persons listed in subdivision (a).*

9 *(e) The Department of Justice shall charge a fee sufficient to*  
10 *cover the cost of processing requests pursuant to this section.*

11 *SEC. 2. This act is an urgency statute necessary for the*  
12 *immediate preservation of the public peace, health, or safety within*  
13 *the meaning of Article IV of the Constitution and shall go into*  
14 *immediate effect. The facts constituting the necessity are:*

15 *In order to be operational to begin preenrollment in the fall of*  
16 *2013, the California Health Benefit Exchange has already begun*  
17 *the process of recruiting staff for its service center. The California*  
18 *Health Benefit Exchange will also be contracting with*  
19 *community-based organizations that will employ in-person*  
20 *assistants. Fingerprinting and background checks will be needed*  
21 *as a condition of employment and certification. For these reasons,*  
22 *it is necessary for this act to take effect immediately.*

23 ~~SECTION 1. Section 42357 of the Public Resources Code is~~  
24 ~~amended to read:~~

25 ~~42357. (a) (1) Except as provided in paragraph (3), a person~~  
26 ~~shall not sell a plastic product in this state that is labeled with the~~  
27 ~~term “compostable,” “home compostable,” or “marine degradable”~~  
28 ~~unless, at the time of sale, the plastic product meets the applicable~~  
29 ~~ASTM standard specification, as specified in paragraph (1) of~~  
30 ~~subdivision (b) of Section 42356 or the Vincotte OK Compost~~  
31 ~~HOME certification, as provided in paragraph (4).~~

32 ~~(2) Compliance with only a section of, or a portion of a section~~  
33 ~~of, an applicable ASTM standard specification does not constitute~~  
34 ~~compliance with paragraph (1).~~

35 ~~(3) Notwithstanding paragraph (1), a person may sell a plastic~~  
36 ~~product in this state that is labeled with a qualified claim for a term~~  
37 ~~specified in paragraph (1), if the plastic product meets the relevant~~  
38 ~~standard adopted by the department pursuant to Section 42356.2.~~

39 ~~(4) (A) A plastic product shall not be labeled with the term~~  
40 ~~“home compostable” unless the manufacturer of that plastic product~~

1 holds a Vincotte OK Compost HOME certificate of conformity  
2 with regard to that product, except as provided in subparagraph  
3 (B) or (C):

4 (B) Notwithstanding paragraph (1), if the ASTM adopts a  
5 standard specification for the term “home compostable” on or  
6 before January 1, 2016, and the department determines that the  
7 ASTM standard specification is at least equal to, or more stringent  
8 than, the OK Compost HOME certification, a plastic product  
9 labeled with the term “home compostable” shall meet that ASTM  
10 standard specification. The department may also take the actions  
11 specified in Section 42356.1 with regard to an ASTM standard for  
12 home compostability.

13 (C) If the department adopts a standard pursuant to Section  
14 42356.2, a plastic product labeled with the term “home  
15 compostable” shall meet that standard and not the standard  
16 specified in subparagraph (A) or (B):

17 (b) Except as provided in subdivision (a), a person shall not sell  
18 a plastic product in this state that is labeled with the term  
19 “biodegradable,” “degradable,” or “decomposable,” or any form  
20 of those terms, or in any way imply that the plastic product will  
21 break down, fragment, biodegrade, or decompose in a landfill or  
22 other environment.

23 (c) A manufacturer or supplier, upon the request of a member  
24 of the public, shall submit to that member, within 90 days of the  
25 request, information and documentation demonstrating compliance  
26 with this chapter, in a format that is easy to understand and  
27 scientifically accurate.

28 (d) A product that is in compliance with this chapter shall not,  
29 solely as a result of that compliance, be deemed to be in compliance  
30 with any other applicable marketing requirement or guideline  
31 established under state law or by the Federal Trade Commission.