



## PUBLIC WORKS DEPARTMENT

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-5732  
TELEPHONE: (408) 777-3354 • FAX: (408) 777-3333  
CUPERTINO.GOV

### CITY COUNCIL STAFF REPORT

Date: April 21, 2026

#### Subject

Introduce amendments to an Ordinance of Cupertino Municipal Code, Chapter 9.17 Single-Use Carryout Bags, pertaining to regulation of single-use carryout bags at retail stores and restaurants.

#### Recommended Action

1. Introduce and conduct the first reading of Ordinance 26-\_\_\_\_ “An Ordinance of the City Council of the City of Cupertino amending City Code Chapter 9.17 Single-Use Carryout Bags.”
2. Find that the proposed actions are exempt from CEQA.

#### Executive Summary

Cupertino’s single-use carryout bag ordinance needs to be updated to align with current State regulations banning stores from providing plastic carryout bags with handles at point of purchase. The state regulations eliminate the use of thicker carryout plastic bags characterized as reusable. Only recycled-content paper bags are allowed to be provided by the store at checkout as carryout bags and must be sold for a minimum of ten cents. The proposed ordinance amendment also updates reference to “pre-checkout” bags (e.g. produce bags) which are required by State regulations to be either paper or compostable plastic. Cupertino’s local bag ordinance retains applicability to restaurants as well as retail stores.

#### Background

In January 2013, the City of Cupertino adopted an ordinance regulating single-use carryout bags to reduce the use of thin, lightweight plastic bags which contribute to environmental problems, including litter in storm drains, creeks, the bay, and the ocean. In 2016, the State adopted a similar ban. Both the local ordinance and the state ban allowed the use of thicker plastic bags if they met certain requirements to be considered reusable. Senate Bill (SB) 1053 (Solid waste: recycled paper bags: standards: carryout bag prohibition), effective January 1, 2026, found that thicker plastic carryout bags were not generally reused by consumers and resulted in an increased amount of plastic and plastic waste. SB 1053 bans the distribution of all plastic carryout bags at stores, requiring recycled-content paper bags instead.

The proposed ordinance amendments would bring local municipal code into alignment with the new State regulations. The amendments also capture that pre-checkout bags (e.g. produce bags) are required by SB 1046 (Solid waste: pre-checkout and carryout bags) to be paper or compostable plastic as defined in the Public Resources Code.

Cupertino's local code does not exempt restaurants from the regulations. Cupertino Municipal Code 9.17.140 already specifies that beginning September 6, 2023, a public eating establishment may no longer provide plastic single-use carryout bags but may provide a recycled paper or reusable bag to transport prepared food at no charge. In alignment with the new State regulations, the phrase "or reusable" has been removed. As with grocery stores, restaurants are allowed to use paper or compostable plastic bags without handles to help with transport or protection of food to the point of sale.

#### Reasons for Recommendation and Available Options

State regulations reflect the findings that an unintended consequence of banning thin, lightweight plastic bags was the proliferation of thicker plastic bags meeting standards for reuse such as thickness and durability. While meeting the reusability standards, in practice the thicker bags do not generally get reused. The regulations further state, as quoted from the text of the law<sup>1</sup>, that the intention of the new law is to:

1. Support and reflect the will of California voters who voted to ban the distribution of plastic carryout bags at stores.
2. Incentivize California consumers to bring their own reusable bag for carrying out store purchases, with stores encouraging and supporting this practice, which will reduce the costly and wasteful practice of relying on store-provided carryout bags.
3. Support sustainable and thriving communities and natural environments that are not burdened with pollution from plastic production nor littered with plastic waste.
4. Eliminate plastic film carryout bags from grocery store distribution and increase the recycling of paper carryout bags.
5. Reduce the proliferation of plastic pollution by eliminating the existing provision of law that allows plastic film carryout bags to be distributed as reusable bags under the state's bag ban.

Based on the findings outlined above, staff recommend approving the amendments to City Code Chapter 9.17 Single-Use Carryout Bags. If the City does not approve the proposed amendments, the Municipal Code will not align with statelaw.

#### Sustainability Impact

Discussion of carryout bags often leads to questions about which type of bag has the lowest environmental impact. For single-use bags it has been shown, for instance, that paper bags require more resources to produce and transport, however they do not blow around as lightweight litter, degrade into microplastics, or get tangled in recycling or garbage processing equipment, and they can be recycled or composted.

---

<sup>1</sup> [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240SB1053](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB1053)

Detail regarding assessment of different types of reusable bags that shoppers may bring to stores to avoid using a single-use bag is included in Attachment C. While the environmental considerations of materials can be complex, multiple studies of the topic agreed that the best type of reusable bag is the one that the shopper will use and re-use, and which they likely already own.

Fiscal Impact

No fiscal impact.

City Work Program (CWP) Item/Description

None

Council Goal

Environmental Sustainability

California Environmental Quality Act

No California Environmental Quality Act impact.

---

Prepared by: Ursula Syrova, Environmental Programs and Sustainability Manager

Reviewed by: Chad Mosley, Public Works Director

Floy Andrews, Interim City Attorney

Approved for Submission by: Tina Kapoor, City Manager

Attachments:

A – Draft Ordinance (clean version)

B – Draft Ordinance (redline version)

C – Reusable Bag Comparison Studies Review