

AMENDED IN SENATE APRIL 22, 2008

AMENDED IN SENATE APRIL 8, 2008

SENATE BILL

No. 1404

Introduced by Senator Lowenthal

February 21, 2008

An act to add Section 53482.5 to the Food and Agricultural Code, relating to plant labeling.

LEGISLATIVE COUNSEL'S DIGEST

SB 1404, as amended, Lowenthal. Plant labeling: water use.

Existing law generally regulates *the* retail sale of plants in the state. Existing law establishes certain labeling requirements, and provides that violation of these provisions is a misdemeanor, with specified penalties.

This bill would, in addition, require any wholesale establishment or distributor that sells plants in containers of 5 gallons or less, *with the exception of stock that is sold directly to growers*, to provide a label indicating the approximate water use of each plant for ~~the 6~~ climate ~~where the plant is purchased~~ zones, as specified. *The bill would make these provisions operative on January 1, 2010.*

By establishing new requirements, the violation of which would *be* a criminal offense, 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 no reimbursement is required by this act for a specified reason.

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. Section 53482.5 is added to the Food and
 2 Agricultural Code, to read:
 3 53482.5. (a) The Legislature finds and declares all of the
 4 following:
 5 (1) In February 2008, Governor Arnold Schwarzenegger
 6 announced his intention to develop a plan to achieve a 20 percent
 7 reduction in per capita water use statewide by 2020.
 8 (2) California's Landscape Task Force concluded that outdoor
 9 water use is about one-half of residential water demand in the state.
 10 For residents with outdoor landscaping, outdoor water use can
 11 constitute up to 70 percent of the total household water demand.
 12 (3) Water consumption can be greatly reduced through the use
 13 of low-water-using plants. In hot, inland areas, using
 14 low-water-using plants can cut outdoor water demand by as much
 15 as two-thirds.
 16 (b) It is the intent of the Legislature to enact an identification
 17 labeling system to provide consumers with easy to understand
 18 information on plant water use so that they have the option of
 19 purchasing plants that not only meet their gardening needs but also
 20 the state's water conservation needs.
 21 (c) ~~Any~~ *With the exception of stock that is sold directly to*
 22 *growers, any* wholesale establishment or distributor that sells plants
 23 in containers of five gallons or less shall, on each plant container
 24 or flat, or in a location in which the plants are offered for sale,
 25 provide a label indicating the approximate water use of each plant
 26 for the ~~climate where the plant is purchased~~ *six climate zones*. The
 27 label shall use the following four categories to classify plants: high
 28 water use, medium water use, low water use, and very low water
 29 use. ~~The label shall use the data provided by the Water Use~~
 30 *Classification of Landscape Species (WUCOLS) shall be used to*
 31 *assign the appropriate classification for each plant and to identify*
 32 *the climate zones*. If the plant does not appear on the WUCOLS
 33 list, as that list appears on the Internet Web site maintained by the
 34 Department of Water Resources, then no label is required.
 35 (d) *This section shall become operative on January 1, 2010.*

1 SEC. 2. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

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