

1 AN ACT relating to the use of and disposition of auxiliary containers.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO  
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 3 this Act:*

6 *(1) "Auxiliary container" means a bag, cup, bottle, or other packaging, whether*  
7 *reusable or single-use, that:*

8 *(a) Is made of cloth, paper, plastic, including foamed or expanded plastic,*  
9 *cardboard, corrugated material, aluminum, glass, postconsumer recycled,*  
10 *similar material, or substrates, including coated, laminated, or multilayered*  
11 *substrates; and*

12 *(b) Is designed for transporting, consuming, or protecting merchandise, food,*  
13 *or beverages from or at a food service or retail facility; and*

14 *(2) "Local government" means a city, county, urban-county government, charter*  
15 *county government, consolidated local government, unified local government,*  
16 *special purpose government entity subject to the provisions of KRS Chapter 65A,*  
17 *or solid waste management district created pursuant to KRS Chapter 109.*

18 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO  
19 READ AS FOLLOWS:

20 *Except as provided in Section 3 of this Act, a local government shall not adopt or*  
21 *enforce an ordinance, or in the case of a special purpose entity adopt a rule or*  
22 *regulation, or other directive, that does any of the following:*

23 *(1) Regulates the use, disposition, or sale of auxiliary containers;*

24 *(2) Prohibits or restricts auxiliary containers; or*

25 *(3) Imposes a fee, charge, or tax on auxiliary containers.*

26 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 109 IS CREATED TO  
27 READ AS FOLLOWS:

1 (1) Section 2 of this Act shall not be construed to prohibit or restrict any of the  
2 following:

3 (a) A curbside or commercial recycling or solid waste management program; or

4 (b) A designated residential or commercial solid waste management facility.

5 (2) Section 2 of this Act shall not apply to:

6 (a) An ordinance that prohibits littering; or

7 (b) The use of auxiliary containers on property owned by a local government.