| 1      | CONTAINER REGULATION ACT  |
|--------|---|
| 2      | 2018 GENERAL SESSION  |
| 3      | STATE OF UTAH   |
| 4      | Chief Sponsor: David G. Buxton  |
| 5      | House Sponsor: Michael K. McKell  |
| 6<br>7 | LONG TITLE  |
| 8      | General Description:  |
| 9      | This bill enacts provisions related to the regulation of auxiliary containers.  |
| 10     | Highlighted Provisions:   |
| 11     | This bill:  |
| 12     | <ul><li>defines terms; and</li></ul>  |
| 13     | ▶ prohibits a local government entity from regulating $\hat{S} \rightarrow [5]$ or $\leftarrow \hat{S}$ imposing a fee on $\hat{S} \rightarrow$ |
| l3a    | [ <del>, or taxing</del> ] ←Ŝ an  |
| 14     | auxiliary container, unless the auxiliary container is used on property owned by the  |
| 15     | local government entity.  |
| 16     | Money Appropriated in this Bill:  |
| 17     | None  |
| 18     | Other Special Clauses:  |
| 19     | None  |
| 20     | <b>Utah Code Sections Affected:</b>   |
| 21     | ENACTS:   |
| 22     | 11-58-101, Utah Code Annotated 1953   |
| 23     | 11-58-102, Utah Code Annotated 1953   |
| 24     | 11-58-201, Utah Code Annotated 1953   |
| 25     | 11-58-202, Utah Code Annotated 1953   |
| 26     |   |



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Be it enacted by the Legislature of the state of Utah:

S.B. 218 02-21-18 11:58 AM

| 28 | Section 1. Section 11-58-101 is enacted to read:   |
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| 29 | <b>CHAPTER 58. UNIFORM CONTAINER REGULATION ACT</b>  |
| 30 | Part 1. General Provisions   |
| 31 | 11-58-101. Title.  |
| 32 | This chapter is known as the "Uniform Container Regulation Act."                             |
| 33 | Section 2. Section 11-58-102 is enacted to read:   |
| 34 | <u>11-58-102.</u> Definitions.   |
| 35 | As used in this chapter:   |
| 36 | (1) "Auxiliary container" means a bag, cup, package, container, bottle, or other             |
| 37 | packaging that is:   |
| 38 | (a) made of:   |
| 39 | <u>(i) cloth;</u>  |
| 40 | (ii) paper;  |
| 41 | (iii) plastic, including foamed plastic or expanded plastic;                                 |
| 42 | (iv) cardboard;  |
| 43 | (v) expanded polystyrene;  |
| 44 | (vi) corrugated material;  |
| 45 | (vii) aluminum;  |
| 46 | (viii) glass;  |
| 47 | (ix) postconsumer recycled material; or  |
| 48 | (x) any material or substrate similar to the materials listed in Subsections (1)(a)(i)       |
| 49 | through (ix), including coated, laminated, or multilayer substrates; and                     |
| 50 | (b) designed to be:  |
| 51 | (i) reusable or single-use; and  |
| 52 | (ii) used to consume, transport, or protect merchandise, food, or beverages from or          |
| 53 | within a food service or retail facility.  |
| 54 | (2) "Local government entity" means a county, city, town, metro township, local              |
| 55 | district, special service district, community reinvestment agency, conservation district, or |
| 56 | school district.   |
| 57 | Section 3. Section 11-58-201 is enacted to read:   |
| 58 | Part 2. Local Regulation of Auxiliary Containers   |

| 59  | 11-58-201. Limitation on local regulation.  |
|-----|---|
| 60  | (1) A local government entity may not:  |
| 61  | (a) regulate, prohibit, or restrict the use, disposition, or sale of an auxiliary container;  |
| 62  | <u>or</u>   |
| 63  | (b) impose a fee $\hat{S} \rightarrow [\underline{or tax}] \leftarrow \hat{S}$ on an auxiliary container, regardless of whether the fee |
| 63a | $\hat{S} \rightarrow [\underline{\text{or tax}}] \leftarrow \hat{S} \underline{\text{is}}$  |
| 64  | at the retail, manufacturer, or distributor level.  |
| 65  | (2) A local government entity's action that violates Subsection (1) is invalid.   |
| 66  | (3) This section preempts any local government entity's action that violates Subsection   |
| 67  | (1), regardless of when the local government entity took the action.  |
| 68  | Section 4. Section 11-58-202 is enacted to read:  |
| 69  | <u>11-58-202.</u> Scope.  |
| 70  | (1) This chapter does not affect:   |
| 71  | (a) a local government entity's authority to regulate solid waste, operate a commercial   |
| 72  | or curbside recycling program, or designate one or more commercial or residential recycling   |
| 73  | locations; or   |
| 74  | (b) any agreement related to the disposal of solid waste.   |
| 75  | (2) The provisions of this chapter do not apply to the use of an auxiliary container on   |
| 76  | property owned by a local government entity.  |

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