

SENATE BILL No. 47

By Committee on Commerce

1-18

Establishing the auxiliary container task force; relating to membership thereof; purpose.

Insert contents of attachment A

1 AN ACT ~~concerning cities and counties; prohibiting the regulations of~~
2 ~~consumer merchandise and of auxiliary containers that are designed for~~
3 ~~the consumption, transportation or protection of consumer~~
4 ~~merchandise.~~

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. ~~As used in sections 1 and 2, and amendments thereto:~~

8 (a) ~~"Auxiliary container" means, without limitation, a straw, cutlery,~~
9 ~~bag, cup, package, container, bottle, device or other packaging;~~

10 (1) ~~Made of cloth, paper, plastic, foamed plastic, expanded plastic,~~
11 ~~cardboard, corrugated material, aluminum, glass, postconsumer recycled~~
12 ~~material or similar coated or laminated material; and~~

13 (2) ~~designed for the consumption, transportation or protection of~~
14 ~~consumer merchandise, food or beverage at a manufacturing, distribution~~
15 ~~or processing facility or a food service or retail establishment.~~

16 (b) ~~"Consumer merchandise" means merchandise, wares, goods,~~
17 ~~articles or commodities offered for sale or lease, or provided with a sale or~~
18 ~~lease, primarily, but not exclusively, for personal, family or household~~
19 ~~purposes and includes any auxiliary container used for consuming,~~
20 ~~carrying or transporting such merchandise.~~

21 (c) ~~"Food service establishment" means an establishment that~~
22 ~~prepares or serves food for sale to the public.~~

23 (d) ~~"Municipality" means a city, county or unified government.~~

24 (e) ~~"Retail establishment" means any retail establishment, including,~~
25 ~~but not limited to, a grocery store, supermarket, convenience store, liquor~~
26 ~~store, dry cleaning establishment, pharmacy, drug store, hardware store,~~
27 ~~clothing store or department store.~~

28 Sec. 2. (a) ~~Except as provided under subsection (b), a municipality~~
29 ~~shall not adopt or enforce an ordinance, resolution or regulation that~~
30 ~~restricts, taxes, prohibits or otherwise regulates the use, disposition or sale~~
31 ~~of auxiliary containers or consumer merchandise.~~

32 (b) ~~Nothing in this act shall be construed to prohibit or restrict a~~
33 ~~municipality from:~~

34 (1) ~~Passing or enforcing a general state or general local sales and use~~
35 ~~tax;~~

36 (2) ~~restricting the use of glass containers within the municipality.~~

(a) There is hereby established the auxiliary container task force that shall discuss and design strategies to be applied uniformly statewide to reduce litter waste associated with auxiliary containers.

(b) (1) The task force shall consist of 14 members to be appointed as follows:

(A) One member appointed by the speaker of the house of representatives;

(B) one member appointed by the minority leader of the house of representatives;

(C) one member appointed by the president of the senate;

(E) one member appointed by the minority leader of the senate;

(F) one member appointed by the governor;

(G) one member appointed by the national federation of independent businesses;

(H) one member appointed by the Kansas chamber of commerce;

(I) one member appointed by the Kansas restaurant and hospitality association;

(J) one member appointed by the league of municipalities;

(K) one member appointed by the Kansas association of counties;

(L) one member appointed by the Kansas chapter of the sierra club;

(M) one member appointed by the Kansas organization of recyclers;

(N) one member appointed by fuel true independent energy and convenience; and

(O) one member appointed by the department of health and environment.

(2) All members shall be appointed by the respective appointing authority and reported to the speaker of the house on or before July 15, 2023.

(3) The member appointed by the speaker of the house of representatives shall serve as the chairperson of the task force. The member appointed by the senate minority leader shall

(1) "Auxiliary container" means, without limitation, a straw, cutlery, bag, cup, package, container, bottle, device or other packaging: (A) Made of cloth, paper, plastic, foamed plastic, expanded plastic, cardboard, corrugated material, aluminum, glass, postconsumer recycled material or similar coated or laminated material; and (B) designed for the consumption, transportation or protection of consumer merchandise, food or beverage at a manufacturing, distribution or processing facility or a food service or retail establishment.

(2) "Consumer merchandise" means merchandise, wares, goods, articles or commodities offered for sale or lease, or provided with a sale or lease, primarily, but not exclusively, for personal, family or household purposes and includes any auxiliary container used for consuming, carrying or transporting such merchandise.

(3) "Food service establishment" means an establishment that prepares or serves food for sale to the public.

(4) "Retail establishment" means any retail establishment, including, but not limited to, a grocery store, supermarket, convenience store, liquor store, dry cleaning establishment, pharmacy, drug store, hardware store, clothing store or department store.

(e) The provisions of this section shall expire on December 31, 2023.