

STATE OF KANSAS



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GOVERNOR LAURA KELLY

MESSAGE FROM THE GOVERNOR

REGARDING VETO OF SENATE BILL 493

The disposal and regulation of solid waste is traditionally a public policy issue that Kansans decide at the local level with input from local businesses, waste management providers, and private citizens. As this bill advanced through the process, no evidence was provided demonstrating why the Legislature had a compelling public interest to repeal city and county local control and home rule over these matters.

This issue is a local decision, and it should be left to local governments based on what's best for their constituents, stakeholders, and businesses in their community.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto Senate Bill 493.

THE GOVERNOR'S OFFICE

BY THE GOVERNOR

A handwritten signature in blue ink, appearing to read "Laura Kelly", written over a horizontal line.

DATED

A handwritten date in blue ink, "Apr. 11, 2022", written over a horizontal line.

SENATE BILL No. 493

AN ACT concerning cities and counties; prohibiting the regulation of plastic and other containers designed for the consumption, transportation or protection of merchandise, food or beverages.

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

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

(a) "Auxiliary container" means:

(1) A plastic straw; or

(2) without limitation, a 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 merchandise, food or beverage at a manufacturing, distribution or processing facility or a food service or retail establishment.

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

(c) "Municipality" means a city, county or unified government.

(d) "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.

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

(b) A municipality may:

(1) Operate a recycling, composting or solid waste disposal program;

or

(2) regulate the use of auxiliary containers on property owned or maintained by the municipality.

(c) Nothing in this act shall be construed to prohibit or restrict a municipality from:

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

(2) restricting the use of glass containers within the municipality based on public safety concerns;

(3) prohibiting littering; or

(4) setting reasonable standards for the regulation of alcohol possession as otherwise provided by law.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

\_\_\_\_\_

SENATE concurred in

HOUSE amendments \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

Passed the HOUSE

as amended \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*