

As Amended by House Committee

Session of 2023

HOUSE BILL No. 2446

By Committee on Federal and State Affairs

3-2

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

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

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

7 (a) "Auxiliary container" means:

8 (1) A plastic straw; or

9 (2) without limitation, a bag, cup, package, container, bottle, device  
10 or other packaging:

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

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

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

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

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

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

28 (b) A municipality may:

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

30 or

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

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

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

- 1       (2) restricting the use of glass containers ~~within~~ **on property owned**  
2 **or maintained by** the municipality based on public safety concerns;  
3       (3) prohibiting littering; or  
4       (4) setting reasonable standards for the regulation of alcohol  
5 possession as otherwise provided by law.  
6       Sec. 3. This act shall take effect and be in force from and after its  
7 publication in the statute book.