

SENATE BILL No. 493

By Committee on Federal and State Affairs

2-10

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, without limitation, a bag, cup,
8 package, container, bottle, device or other packaging:

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

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

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

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

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

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

26 (b) A municipality may:

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

28 or

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

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

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

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

1 (3) prohibiting littering; or

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

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