

Prohibiting Municipal Restrictions on Plastic Containers and Straws; SB 493

SB 493 prohibits municipalities from adopting or enforcing an ordinance, resolution, or regulation that restricts, taxes, prohibits, or regulates the use of auxiliary containers.

The bill defines “auxiliary container” as a plastic straw or a bag, cup, package, container, bottle, device, or other packaging, without limitation. Such auxiliary containers can be made out of cloth, paper, plastic, foamed plastic, expanded plastic, cardboard, corrugated material, aluminum, glass, postconsumer recycled material, or any similarly coated or laminated material.

The bill defines a “municipality” for this purpose as a city, county, or unified government.

Municipalities are expressly allowed to operate composting, recycling, and solid waste disposal programs, and regulate the use of containers on property owned or maintained by a municipality. The bill expressly exempts the following activities from the prohibition:

- Passing or enforcing a general sales and use tax;
- Restricting use of glass containers within the municipality for reasons of public safety;
- Prohibiting littering; and
- Setting reasonable standards for the regulation of alcohol possession.

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