

**CONTAINER REGULATION ACT**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: David G. Buxton**

House Sponsor: Michael K. McKell

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**LONG TITLE**

**General Description:**

This bill enacts provisions related to the regulation of auxiliary containers.

**Highlighted Provisions:**

This bill:

- ▶ defines terms; and
- ▶ prohibits a local government entity from regulating, imposing a fee on, or taxing an auxiliary container, unless the auxiliary container is used on property owned by the local government entity.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**11-58-101**, Utah Code Annotated 1953

**11-58-102**, Utah Code Annotated 1953

**11-58-201**, Utah Code Annotated 1953

**11-58-202**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*



28 Section 1. Section 11-58-101 is enacted to read:

29 CHAPTER 58. UNIFORM CONTAINER REGULATION ACT

30 Part 1. General Provisions

31 **11-58-101. Title.**

32 This chapter is known as the "Uniform Container Regulation Act."

33 Section 2. Section 11-58-102 is enacted to read:

34 **11-58-102. Definitions.**

35 As used in this chapter:

36 (1) "Auxiliary container" means a bag, cup, package, container, bottle, or other  
37 packaging that is:

38 (a) made of:

39 (i) cloth;

40 (ii) paper;

41 (iii) plastic, including foamed plastic or expanded plastic;

42 (iv) cardboard;

43 (v) expanded polystyrene;

44 (vi) corrugated material;

45 (vii) aluminum;

46 (viii) glass;

47 (ix) postconsumer recycled material; or

48 (x) any material or substrate similar to the materials listed in Subsections (1)(a)(i)  
49 through (ix), including coated, laminated, or multilayer substrates; and

50 (b) designed to be:

51 (i) reusable or single-use; and

52 (ii) used to consume, transport, or protect merchandise, food, or beverages from or  
53 within a food service or retail facility.

54 (2) "Local government entity" means a county, city, town, metro township, local  
55 district, special service district, community reinvestment agency, conservation district, or  
56 school district.

57 Section 3. Section 11-58-201 is enacted to read:

58 **Part 2. Local Regulation of Auxiliary Containers**

59 **11-58-201. Limitation on local regulation.**

60 (1) A local government entity may not:

61 (a) regulate, prohibit, or restrict the use, disposition, or sale of an auxiliary container;

62 or

63 (b) impose a fee or tax on an auxiliary container, regardless of whether the fee or tax is  
64 at the retail, manufacturer, or distributor level.

65 (2) A local government entity's action that violates Subsection (1) is invalid.

66 (3) This section preempts any local government entity's action that violates Subsection

67 (1), regardless of when the local government entity took the action.

68 Section 4. Section **11-58-202** is enacted to read:

69 **11-58-202. Scope.**

70 (1) This chapter does not affect:

71 (a) a local government entity's authority to regulate solid waste, operate a commercial

72 or curbside recycling program, or designate one or more commercial or residential recycling

73 locations; or

74 (b) any agreement related to the disposal of solid waste.

75 (2) The provisions of this chapter do not apply to the use of an auxiliary container on

76 property owned by a local government entity.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**