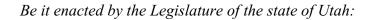
1	CONTAINER REGULATION ACT
2	2018 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: David G. Buxton
5	House Sponsor: Michael K. McKell
6 7	LONG TITLE
8	General Description:
9	This bill enacts provisions related to the regulation of auxiliary containers.
10	Highlighted Provisions:
11	This bill:
12	defines terms; and
13	 prohibits a local government entity from regulating, imposing a fee on, or taxing an
14	auxiliary container, unless the auxiliary container is used on property owned by the
15	local government entity.
16	Money Appropriated in this Bill:
17	None
18	Other Special Clauses:
19	None
20	Utah Code Sections Affected:
21	ENACTS:
22	11-58-101, Utah Code Annotated 1953
23	11-58-102, Utah Code Annotated 1953
24	11-58-201, Utah Code Annotated 1953
25	11-58-202, Utah Code Annotated 1953
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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	<u>11-58-102.</u> 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	<u>(i) cloth;</u>
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	<u>or</u>
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	<u>11-58-202.</u> 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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