

CONTAINER REGULATION ACT

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

Senate Sponsor: _____

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 or imposing a fee on 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:

11-63-101, Utah Code Annotated 1953

11-63-102, Utah Code Annotated 1953

11-63-201, Utah Code Annotated 1953

11-63-202, Utah Code Annotated 1953

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



28 Section 1. Section 11-63-101 is enacted to read:

29 **CHAPTER 63. UNIFORM CONTAINER REGULATION ACT**

30 **Part 1. General Provisions**

31 **11-63-101. Title.**

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

33 Section 2. Section 11-63-102 is enacted to read:

34 **11-63-102. Definitions.**

35 As used in this chapter:

36 (1) "Auxiliary container" means a bag, cup, package, container, device, 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 at:

53 (A) a food service facility, including a food service facility where manufacturing,

54 distribution, or processing occurs; or

55 (B) a retail facility.

56 (2) "Local government entity" means a county, city, town, metro township, local

57 district, special service district, community reinvestment agency, conservation district, or

58 school district.

59 Section 3. Section 11-63-201 is enacted to read:

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

61 **11-63-201. Limitation on local regulation.**

62 (1) A local government entity may not:

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

64 or

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

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

68 (3) This section preempts any local government entity's action that violates Subsection
69 (1), regardless of when the local government entity took the action.

70 Section 4. Section 11-63-202 is enacted to read:

71 **11-63-202. Scope.**

72 (1) This chapter does not affect:

73 (a) a local government entity's authority to regulate solid waste, operate a commercial
74 or curbside recycling program, or designate one or more commercial or residential recycling
75 locations; or

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

77 (2) The provisions of this chapter do not apply to the use of an auxiliary container on
78 property owned by a local government entity.