

SECOND REGULAR SESSION

# SENATE BILL NO. 853

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Read 1st time January 3, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5676S.011

## AN ACT

To repeal section 260.283, RSMo, and to enact in lieu thereof one new section relating to the prohibition on political subdivisions from regulating auxiliary containers.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 260.283, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 260.283, to read as follows:

260.283. [1. All merchants, itinerant vendors, and peddlers doing  
2 business in this state shall have the option to provide customers either a paper  
3 or a plastic bag for the packaging of any item or good purchased, provided such  
4 purchase is of a size and manner commensurate with the use of paper and plastic  
5 bags.

6 2. Notwithstanding any other provision of law, no political subdivision  
7 shall impose any ban, fee, or tax upon the use of either paper or plastic bags for  
8 packaging of any item or good purchased from a merchant, itinerant vendor, or  
9 peddler. No political subdivision shall prohibit a consumer from using a reusable  
10 bag for the packaging of any item or good purchased from a merchant, itinerant  
11 vendor, or peddler.]

12 1. As used in this section, "auxiliary container" means any bag,  
13 cup, package, container, bottle, or other packaging that is:

14 (1) Made of cloth, paper, foamed plastic, expanded plastic,  
15 cardboard, corrugated material, aluminum, glass, post-consumer  
16 recycled material, or similar material including, but not limited to,  
17 coated or laminated materials; and

18 (2) Designed for, but not limited to, consuming, transporting, or

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 protecting merchandise, food, or beverages from, or at, a food service  
20 facility or retail facility.

21       2. Except for subsection 4 of this section, notwithstanding any  
22 law, ordinance, or rule to the contrary, no political subdivision shall  
23 restrict, tax, prohibit, or issue any ordinance regulating the use,  
24 disposition, or sale of auxiliary containers.

25       3. Nothing in this section shall prohibit or limit any county or  
26 municipal ordinance or agreement regarding a recycling program or  
27 the disposal of solid waste.

28       4. Subsection 2 of this section shall not apply to the use of  
29 auxiliary containers on property owned by a county or municipality.

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Bill

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