

SECOND REGULAR SESSION

[CORRECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 1396

99TH GENERAL ASSEMBLY

4557H.02C

D. ADAM CRUMBLISS, Chief Clerk

## AN ACT

To repeal section 260.283, RSMo, and to enact in lieu thereof one new section relating to the use of bags to package purchased goods.

*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Section A. Section 260.283, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 260.283, to read as follows: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 business in this state shall have the option to provide customers either a paper or a plastic bag for the packaging of any item or good purchased, provided such purchase is of a size and manner commensurate with the use of paper and plastic bags.~~

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

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

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

**(2) Designed for, but not limited to, consuming, transporting, or protecting merchandise, food, or beverages from, or at, a food service facility or retail facility.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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