

# HOUSE BILL NO. 3193

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE WELLENKAMP.

6899H.011

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal section 260.283, RSMo, and to enact in lieu thereof one new section relating to single-use plastic products.

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*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Section A. Section 260.283, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 253.565, to read as follows:

**253.565. 1. As used in this section, the following terms mean:**

(1) "Compostable product", a product that meets applicable American Society for Testing and Materials (ASTM) standards for industrial or home compostability;

(2) "Plastic bag", a bag made wholly or partly of plastic including biodegradable or compostable plastic that is provided to a customer at the point of sale for the purpose of carrying goods and that is not designed for long-term, repeated use. "Plastic bag" does not include:

(a) A bag provided solely for the purpose of containing or protecting unwrapped food items, including produce, bulk foods, or meat;

(b) A bag provided for prescription medications; or

(c) A bag used for garbage, recycling, or pet waste that is not provided at the point of sale;

(3) "Polystyrene", a petroleum-based plastic material, including expanded polystyrene (EPS) and extruded polystyrene (XPS) commonly known as foam or styrofoam, that is used in food serviceware, cups, plates, bowls, clamshell containers, trays, or protective packaging;

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 (4) "Retail concessionaire", an entity operating a retail shop, food service, or  
18 restaurant under contract with the division of state parks;

19 (5) "Single-use plastic bottled water", a sealed bottle made wholly or partly of  
20 plastic that is filled with potable water and intended for one-time use and disposal  
21 including bottles sold or distributed for retail sale or at events, but excluding refillable  
22 containers designed and marketed for repeated use;

23 (6) "Single-use plastic product", a product made wholly or primarily of plastic  
24 that is designed and intended to be used one time before disposal and includes, but is not  
25 limited to, plastic bottles, cups, straws, cutlery, stirrers, clamshell food containers, and  
26 other disposable serviceware.

27 2. Beginning January 1, 2027, the division of state parks shall require concession  
28 contracts to give procurement preference to suppliers who provide nonplastic  
29 alternatives in lieu of single-use plastic products, provided that such alternatives meet  
30 applicable health and safety standards.

31 3. Beginning January 1, 2028, no retail concessionaire operating within a state  
32 park shall sell or distribute single-use plastic bags, single-use bottled water, and  
33 polystyrene beverage cups or food containers as defined in subsection 1.

34 4. This section shall not apply to:

35 (1) Single-use plastics that are medically necessary or required for health and  
36 safety such as certain medical packaging;

37 (2) Products for which no commercially available or comparable alternative  
38 exists as documented in writing by the division of state parks; and

39 (3) Emergency response or disaster operations where disposable plastic products  
40 are required for public safety.

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

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