WEST virginia legislature

2021 regular session

ENROLLED

House Bill 2500

By Delegates Foster, Dean, Steele, Mandt and J. Jeffries

[Passed April 10, 2021; in effect from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, and §16-63-3, all relating to establishing statewide uniformity for auxiliary container regulations.

Be it enacted by the Legislature of West Virginia:

ARTICLE 63. Statewide Uniformity for Auxiliary Container Regulations.

§16-63-1. Definitions.

As used in this article:

“Auxiliary container” means a bag, cup, bottle, or other packaging, whether reusable or single-use, that meets both of the following requirements:

(1) Is made of cloth, paper, plastic, cardboard, corrugated material, aluminum, glass, postconsumer recycled material, or similar material or substrates, including coated, laminated, or multilayer substrates.

(2) Is designed for transporting, consuming, or protecting merchandise, food, or beverages from or at a food service or retail facility.

“Local unit of government” means a county, municipality, or city.

§16-63-2. Local ordinance requirements.

Subject to §16-63-3 of this code, a local unit of government may not adopt or enforce an ordinance that does any of the following:

(1) Regulates the use, disposition, or sale of auxiliary containers.

(2) Prohibits or restricts auxiliary containers.

(3) Imposes a fee, charge, or tax on auxiliary containers.

§16-63-3. Ordinances permitted.

(a) §16-63-2 of this code may not be construed to prohibit or restrict

any of the following:

(1) A curbside recycling program.

(2) A designated residential or commercial recycling location.

(3) A commercial recycling program.

(b) §16-63-2 of this code does not apply to any of the following:

(1) An ordinance that prohibits littering, as described in §22-15A-2 of this code.

(2) The use of auxiliary containers on property owned by a local unit of government.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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 *Chairman, House Committee*

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 *Chairman, Senate Committee*

Originating in the House.

In effect from passage.

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 *Clerk of the House of Delegates*

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 *Clerk of the Senate*

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 *Speaker of the House of Delegates*

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 *President of the Senate*

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day of ..........................................................................................................., 2021.

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 *Governor*