

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2500

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JEFFRIES

[Introduced February 15, 2021; Referred to the
Committee on Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §16-63-1, §16-63-2, and §16-63-3, all relating to establishing statewide
3 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.

1 As used in this article:

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

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

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

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

§16-63-2. Local ordinance requirements.

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

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

4 (2) Prohibits or restricts auxiliary containers.

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

§16-63-3. Ordinances permitted.

1 (a) §16-63-2 of this code may not be construed to prohibit or restrict
2 any of the following:

- 3 (1) A curbside recycling program.
- 4 (2) A designated residential or commercial recycling location.
- 5 (3) A commercial recycling program.
- 6 (b) §16-63-2 of this code does not apply to any of the following:
 - 7 (1) An ordinance that prohibits littering, as described in §22-15A-2 of this code.
 - 8 (2) The use of auxiliary containers on property owned by a local unit of government.

NOTE: The purpose of this bill is to establish statewide uniformity for auxiliary container regulations.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.