WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2500

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

Jeffries

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

1	A BILL to amend the Code of	West Virginia,	1931, as amende	ed, by adding	g thereto a new article,
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- 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 <u>single-use</u>, 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 <u>beverages from or at a food service or retail facility.</u>
- 9 "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
- 2 <u>ordinance that does any of the following:</u>
- 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:

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- 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.