

1 SB244
2 198495-1
3 By Senators Livingston, Reed, Waggoner, Marsh, Chambliss,
4 Givhan, Butler, Scofield, Whatley, Price and Smitherman
5 RFD: Governmental Affairs
6 First Read: 04-APR-19

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8 SYNOPSIS: This bill would prohibit local governing
9 bodies from banning the use of plastic grocery
10 bags.

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12 A BILL
13 TO BE ENTITLED
14 AN ACT

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16 Relating to local governments and containers used by
17 retailers to convey items to purchasers; to prevent municipal
18 and county governments from adopting or enforcing an ordinance
19 that regulates the use, disposition, or sale of, or prohibits,
20 restricts, or imposes any fee, charge, or tax on certain
21 auxiliary containers; and to provide exceptions.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. As used in this act, the following terms
24 shall have the following meanings unless the context clearly
25 indicates otherwise:

1 (1) AUXILIARY CONTAINER. A bag, cup, bottle, device,
2 or other packaging, whether reusable or single-use, that meets
3 both of the following requirements:

4 a. Is made of cloth, paper, plastic, foamed or
5 expanded plastic, cardboard, corrugated material, aluminum,
6 glass, postconsumer recycled material, or any similar material
7 or substrates, including coated, laminated, or multilayer
8 substrates.

9 b. Is designed for transporting, consuming, or
10 protecting merchandise, food, or beverages from or at a food
11 service, manufacturing, distribution, processing, or retail
12 facility.

13 (2) LOCAL UNIT OF GOVERNMENT. A county,
14 municipality, local taxing entity, or any local political
15 subdivision thereof.

16 Section 2. Subject to Section 3, a local unit of
17 government shall not adopt or enforce an ordinance that does
18 any of the following:

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

21 (2) Prohibits or restricts auxiliary containers.

22 (3) Imposes a fee, charge, or tax on auxiliary
23 containers, or additional sales tax to consumers.

24 Section 3. (a) Section 2 shall not be construed to
25 prohibit or restrict any of the following:

26 (1) A curbside recycling program.

1 (2) A designated residential or commercial recycling
2 location.

3 (3) A commercial recycling program.

4 (b) Section 2 does not apply to any of the
5 following:

6 (1) An ordinance that prohibits littering.

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

9 Section 4. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.