

KANSAS OFFICE of
REVISOR of STATUTES

LEGISLATURE of THE STATE of KANSAS
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MEMORANDUM

To: House Committee on Federal and State Affairs

From: The Office of Revisor of Statutes

Date: 03/15/2023

Re: H.B. 2446; Prohibiting cities and counties from regulating plastic and other containers designed for the consumption, transportation or protection of merchandise, food or beverages.

H.B. 2446 Sec. 2(a) would prohibit a municipality from adopting or enforcing an ordinance, resolution or regulation that restricts, taxes, prohibits or otherwise regulates the use, disposition or sale of auxiliary containers.

In Section 1, the term “municipality” would mean a city, county or unified government. “Auxiliary container” would mean: (1) A plastic straw; or (2) without limitation, a bag, cup, package, container, bottle, device or other packaging. The auxiliary containers listed in paragraph (2) would need to be made from the materials listed in subparagraph (A) and designed for the consumption, transportation or protection of merchandise, food or beverage at a manufacturing, distribution or processing facility or a food service or retail establishment.

Notwithstanding Sec. 2(a)’s general prohibition, a municipality would be allowed, under subsection (b), to: (1) Operate a recycling, composting or solid waste disposal program; or (2) regulate the use of auxiliary containers on property owned or maintained by the municipality. Additionally, subsection (c) would clarify that Sec. 2(a)’s prohibition shall not be construed to prohibit or restrict a municipality from: (1) Passing or enforcing a general state or general local sales and use tax; (2) restricting the use of glass containers within the municipality based on public safety concerns; (3) prohibiting littering; or (4) setting reasonable standards for the regulation of alcohol possession as otherwise provided by law.

H.B. 2446 would become effective upon publication in the statute book.