

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 372

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO THE REGULATION OF AUXILIARY CONTAINERS; PROVIDING LEGISLATIVE
2 INTENT; AND AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION
3 OF A NEW SECTION 67-2340, IDAHO CODE, TO DEFINE A TERM, TO PROVIDE THAT
4 ANY REGULATION REGARDING THE USE, DISPOSITION OR SALE OR ANY IMPOSITION
5 OF ANY PROHIBITION, RESTRICTION, FEE IMPOSITION OR TAXATION OF AUX-
6 ILIARY CONTAINERS AT THE RETAIL, MANUFACTURER OR DISTRIBUTOR SETTING
7 SHALL BE DONE ONLY BY STATUTE ENACTED BY THE LEGISLATURE, TO PROVIDE
8 APPLICATION TO RECYCLING PROGRAMS AND TO PROVIDE EXCEPTIONS.
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10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature that
12 prudent regulation of auxiliary containers is crucial to the welfare of
13 Idaho's economy; that retail and food establishments are sensitive to the
14 costs and regulation of auxiliary containers; and, that if individual po-
15 litical subdivisions of the state regulate such auxiliary containers, there
16 exists the potential for confusing and varying regulations which could lead
17 to unnecessary increased costs for retail and food establishments to comply
18 with such regulations.

19 SECTION 2. That Chapter 23, Title 67, Idaho Code, be, and the same is
20 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
21 ignated as Section 67-2340, Idaho Code, and to read as follows:

22 67-2340. REGULATION OF AUXILIARY CONTAINERS. (1) As used in this sec-
23 tion, "auxiliary container" means reusable bags, disposable bags, boxes,
24 cups and bottles which are made of cloth, paper, plastic, extruded polysty-
25 rene or similar materials that are designed for one-time use or for trans-
26 porting merchandise or food from food and retail facilities.

27 (2) Any regulation regarding the use, disposition or sale or any impo-
28 sition of any prohibition, restriction, fee imposition or taxation of auxil-
29 iary containers at the retail, manufacturer or distributor setting shall be
30 imposed only by statute enacted by the legislature.

31 (3) Nothing in this section shall be construed to prohibit or limit any
32 county or municipal curbside recycling program or other designated residen-
33 tial or commercial recycling location.

34 (4) The provisions of subsection (2) of this section shall not apply to
35 the use of auxiliary containers in any event organized, sponsored or permit-
36 ted by a county, municipality or school district on a property owned by such
37 county, municipality or school district.