

By: Senator(s) Parks

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2570

1 AN ACT TO PROHIBIT LOCAL GOVERNMENTS FROM ADOPTING OR
2 ENFORCING AN ORDINANCE THAT REGULATES THE USE, DISPOSITION OR SALE
3 OF, OR PROHIBITS, RESTRICTS OR IMPOSES ANY FEE, CHARGE OR TAX ON,
4 CERTAIN AUXILIARY CONTAINERS; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** As used in this act:

7 (a) "Auxiliary container" means a bag, cup, bottle or
8 other packaging, whether reusable or single-use, that meets both
9 of the following requirements:

10 (i) Is made of cloth, paper, plastic, cardboard,
11 corrugated material, aluminum, glass, postconsumer recycled
12 material, or similar material or substrates, including coated,
13 laminated or multilayer substrates; and

14 (ii) Is designed for transporting, consuming or
15 protecting merchandise, food or beverages from or at a food
16 service, including manufacturing, distribution or further
17 processing, retail facility.



18 (b) "Local unit of government" means a county,
19 municipality, local taxing entity or any local political
20 subdivision thereof.

21 **SECTION 2.** Subject to Section 3 of this act, a local unit
22 of government shall not adopt or enforce an ordinance that does
23 any of the following:

24 (a) Regulates the use, disposition or sale of auxiliary
25 containers.

26 (b) Prohibits or restricts auxiliary containers.

27 (c) Imposes a fee, charge or tax on auxiliary
28 containers, or additional sales tax to consumers.

29 **SECTION 3.** (1) Section 2 of this act shall not be construed
30 to prohibit or restrict any of the following:

31 (a) A curbside recycling program.

32 (b) A designated residential or commercial recycling
33 location.

34 (c) A commercial recycling program.

35 (2) Section 2 of this act does not apply to any of the
36 following;

37 (a) An ordinance that prohibits littering as described
38 in Sections 97-15-29, 97-15-30 and 97-15-31.

39 (b) The use of auxiliary containers on property owned
40 by a local unit of government.

41 **SECTION 4.** This act shall take effect and be in force from
42 and after July 1, 2018.

