

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 3135

(SENATE AUTHORS: HALL, Tomassoni, Pratt and Utke)

DATE	D-PG	OFFICIAL STATUS
03/08/2018	6368	Introduction and first reading Referred to Local Government
03/19/2018	6793	Author added Utke
04/25/2018	7894a	Comm report: To pass as amended and re-refer to Commerce and Consumer Protection Finance and Policy Joint rule 2.03, referred to Rules and Administration

1.1 A bill for an act

1.2 relating to local government; prohibiting counties, cities, and towns from regulating

1.3 auxiliary containers; proposing coding for new law in Minnesota Statutes, chapter

1.4 471.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[471.9999] AUXILIARY CONTAINERS.**

1.7 Subdivision 1. **Definition.** For purposes of this section, an "auxiliary container" means

1.8 a bag, cup, bottle, or other packaging, whether reusable or single-use, that is:

1.9 (1) made of cloth; paper; plastic, including expanded or foamed plastic; cardboard;

1.10 corrugated material; aluminum; glass; postconsumer recycled; or similar material or

1.11 substrates, including coated, laminated, or multilayer substrates; and

1.12 (2) designed for consuming, transporting, or protecting merchandise, food, or beverages

1.13 from or at a food service or retail facility.

1.14 Subd. 2. **Prohibition.** A county, statutory or home rule charter city, or town shall not

1.15 adopt or enforce an ordinance that:

1.16 (1) regulates the use or sale of auxiliary containers;

1.17 (2) prohibits or restricts auxiliary containers; or

1.18 (3) imposes a fee or charge on the use, disposition, or sale of auxiliary containers.

1.19 Subd. 3. **Exemption.** This section shall not apply to auxiliary containers sold, leased,

1.20 or provided at facilities owned or operated by a statutory or home rule charter city or town.

2.1 **EFFECTIVE DATE; RETROACTIVE APPLICATION.** This section is effective
2.2 the day following final enactment. An ordinance adopted prior to the effective date of this
2.3 section that violates this section is void and unenforceable on and after the effective date.