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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3606

03/12/2018 Authored by Christensen, Heintzeman and Fabian
The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy
03/29/2018 Adoption of Report: Placed on the General Register
Pursuant to Joint Rule 2.03, re-referred to the Committee on Rules and Legislative 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.