WEST virginia legislature

2021 regular session

Introduced

House Bill 2500

By Delegates Foster, Dean, Steele, Mandt and J. Jeffries

[Introduced February 15, 2021; Referred to the Committee on Government Organization]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, and §16-63-3, all relating to establishing statewide uniformity for auxiliary container regulations.

Be it enacted by the Legislature of West Virginia:

ARTICLE 63. Statewide Uniformity for Auxiliary Container Regulations.

§16-63-1. Definitions.

As used in this article:

“Auxiliary container” means a bag, cup, bottle, or other packaging, whether reusable or single-use, that meets both of the following requirements:

(1) Is made of cloth, paper, plastic, cardboard, corrugated material, aluminum, glass, postconsumer recycled material, or similar material or substrates, including coated, laminated, or multilayer substrates.

(2) Is designed for transporting, consuming, or protecting merchandise, food, or beverages from or at a food service or retail facility.

“Local unit of government” means a county, municipality, or city.

§16-63-2. Local ordinance requirements.

Subject to §16-63-3 of this code, a local unit of government may not adopt or enforce an ordinance that does any of the following:

(1) Regulates the use, disposition, or sale of auxiliary containers.

(2) Prohibits or restricts auxiliary containers.

(3) Imposes a fee, charge, or tax on auxiliary containers.

§16-63-3. Ordinances permitted.

(a) §16-63-2 of this code may not be construed to prohibit or restrict

any of the following:

(1) A curbside recycling program.

(2) A designated residential or commercial recycling location.

(3) A commercial recycling program.

(b) §16-63-2 of this code does not apply to any of the following:

(1) An ordinance that prohibits littering, as described in §22-15A-2 of this code.

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

NOTE: The purpose of this bill is to establish statewide uniformity for auxiliary container regulations.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.