



2015 ASSEMBLY BILL 730

January 15, 2016 - Introduced by Representatives ROHRKASTE, VORPAGEL, SWEARINGEN, CRAIG, KLEEFISCH, CZAJA, GANNON, R. BROOKS, KREMER, JARCHOW, KUGLITSCH, KOOYENGA, MURPHY, KATZMA, BRANDTJEN, QUINN and A. OTT, cosponsored by Senators ROTH, LASEE, KAPENGA, LEMAHIEU, GUDEX and TIFFANY. Referred to Committee on State Affairs and Government Operations.

1 **AN ACT to create** 66.0419 of the statutes; **relating to:** local regulation of certain
2 containers.

Analysis by the Legislative Reference Bureau

This bill limits the authority of a political subdivision (a city, village, town, or county) to regulate auxiliary containers. "Auxiliary container" is defined as "a bag, cup, bottle, or other packaging that is designed to be reusable or single-use; that is made of cloth, paper, plastic, cardboard, corrugated material, aluminum, glass, postconsumer recycled material, or similar material or substrates, including coated, laminated, or multi-layer substrates; and that is designed for transporting or protecting merchandise, food, or beverages from a food service or retail facility." Specifically, with certain exceptions, a political subdivision may not 1) enact or enforce an ordinance regulating the use, disposition, or sale of auxiliary containers, 2) prohibit or restrict auxiliary containers, or 3) impose a fee, charge, or surcharge on auxiliary containers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 66.0419 of the statutes is created to read:
4 **66.0419 Local regulation of auxiliary containers.** (1) In this section:

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1 (a) “Auxiliary container” means a bag, cup, bottle, or other packaging that is
2 designed to be reusable or single-use; that is made of cloth, paper, plastic, cardboard,
3 corrugated material, aluminum, glass, postconsumer recycled material, or similar
4 material or substrates, including coated, laminated, or multi-layer substrates; and
5 that is designed for transporting or protecting merchandise, food, or beverages from
6 a food service or retail facility.

7 (b) “Political subdivision” means a city, village, town, or county.

8 **(2)** No political subdivision may do any of the following:

9 (a) Enact or enforce an ordinance or adopt or enforce a resolution regulating
10 the use, disposition, or sale of auxiliary containers.

11 (b) Prohibit or restrict auxiliary containers.

12 (c) Impose a fee, charge, or surcharge on auxiliary containers.

13 **(3)** (a) This section does not limit the authority of a political subdivision in
14 operating a curbside recycling or commercial recycling program or in designating a
15 recycling location.

16 (b) Subsection (2) (b) and (c) does not apply to the use of auxiliary containers
17 on a property owned by the political subdivision.

18 **(END)**