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MEMORANDUM

To: Chairperson Thompson
Members of the Senate Committee on Federal and State Affairs

From: The Office of Revisor of Statutes

Date: January 30, 2024

Subject: HB 2446 – Prohibiting local government regulation of certain containers used for food, beverages, and merchandise sales.

House Bill No. 2446 (HB 2446) would create new state law to prohibit cities and counties from regulating the use of containers used for food, beverages, and merchandise. The prohibition would apply to any container, regardless of the material it is made from, that is used for the consumption, transportation or protection of food, beverages, or merchandise. This includes products at the manufacturing, processing, distribution, and retail sales level. HB 2446 also applies to straws.

Under HB 2446, a city or county would be prohibited from adopting any local law, or regulation that restricts, taxes, prohibits or otherwise regulates such containers. The House Committee on Federal and State Affairs amended the bill to also include a prohibition on charging any fee on using such containers. A city or county may do the following with respect to such containers:

- Operate a recycling, composting or solid waste disposal program;
- Regulate the use of such containers on property owned or maintained by the municipality;
- Impose or enforce general state and local sales taxes;
- Restrict the use of glass containers on property owned or maintained by the municipality;
- Prohibit littering; and
- Set standards for the regulation of alcohol possession as provided by law.

If enacted, HB 2446 would become effective on July 1, 2024.