

LEGISLATURE OF THE STATE OF IDAHO
Sixty-third Legislature Second Regular Session - 2016

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 372

BY BUSINESS COMMITTEE

AN ACT

RELATING TO THE REGULATION OF AUXILIARY CONTAINERS; PROVIDING LEGISLATIVE INTENT; AND AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2340, IDAHO CODE, TO DEFINE A TERM, TO PROVIDE THAT ANY REGULATION REGARDING THE USE, DISPOSITION OR SALE OR ANY IMPOSITION OF ANY PROHIBITION, RESTRICTION, FEE IMPOSITION OR TAXATION OF AUXILIARY CONTAINERS AT THE RETAIL, MANUFACTURER OR DISTRIBUTOR SETTING SHALL BE DONE ONLY BY STATUTE ENACTED BY THE LEGISLATURE, TO PROVIDE APPLICATION TO RECYCLING PROGRAMS AND TO PROVIDE EXCEPTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature that prudent regulation of auxiliary containers is crucial to the welfare of Idaho's economy; that retail and food establishments are sensitive to the costs and regulation of auxiliary containers; and, that if individual political subdivisions of the state regulate such auxiliary containers, there exists the potential for confusing and varying regulations which could lead to unnecessary increased costs for retail and food establishments to comply with such regulations.

SECTION 2. That Chapter 23, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-2340, Idaho Code, and to read as follows:

67-2340. REGULATION OF AUXILIARY CONTAINERS. (1) As used in this section, "auxiliary container" means reusable bags, disposable bags, boxes, cups and bottles which are made of cloth, paper, plastic, extruded polystyrene or similar materials that are designed for one-time use or for transporting merchandise or food from food and retail facilities.

(2) Any regulation regarding the use, disposition or sale or any imposition of any prohibition, restriction, fee imposition or taxation of auxiliary containers at the retail, manufacturer or distributor setting shall be imposed only by statute enacted by the legislature.

(3) Nothing in this section shall be construed to prohibit or limit any county or municipal curbside recycling program or other designated residential or commercial recycling location.

(4) The provisions of subsection (2) of this section shall not apply to the use of auxiliary containers in any event organized, sponsored or permitted by a county, municipality or school district on a property owned by such county, municipality or school district.