**A** **BILL**

TO AMEND CHAPTER 17, TITLE 39 OF THE 1976 CODE, RELATING TO CONTAINERS AND GRADES, BY ADDING ARTICLE 7, TO PROVIDE THAT ANY REGULATION REGARDING THE USE, DISPOSITION, SALE, OR IMPOSITION OF ANY PROHIBITION, RESTRICTION, FEE IMPOSITION, OR TAXATION OF AUXILIARY CONTAINERS MUST BE DONE BY THE GENERAL ASSEMBLY, TO PROVIDE FOR EXCEPTIONS, AND TO DEFINE NECESSARY TERMS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The General Assembly finds that:

(1) prudent regulation of auxiliary containers is crucial to the welfare of the State’s economy;

(2) retail and food establishments are sensitive to the costs and regulation of auxiliary containers; and

(3) if individual political subdivisions of the State regulate auxiliary containers, then there exists the potential for varying regulations, which could lead to unnecessary increased costs for retail and food establishments to comply with the regulations.

SECTION 2. Chapter 17, Title 39 of the 1976 Code is amended by adding:

“ARTICLE 7

Auxiliary Containers

Section 39‑17‑710. As used in this article, ‘auxiliary container’ means a bag, cup, package, device, container, bottle, or other packaging that is:

(1) designed to be either reusable or single‑use;

(2) made of cloth; paper; plastic, including foamed or expanded plastic; cardboard; expanded polystyrene; corrugated material; aluminum; glass; or postconsumer recycled, or similar, material or substrates, including coated, laminated, or multilayer substrates; and

(3) designed for, but not limited to, consuming, transporting, or protecting merchandise, food, or beverages from or at a food service or retail facility.

Section 39‑17‑720. (A) Any regulation regarding the use, disposition, sale, or imposition of any prohibition, restriction, fee imposition, or taxation of auxiliary containers must be done only by the General Assembly. This article supersedes and preempts any ordinance enacted by a political subdivision that purports to regulate the use, disposition, sale, or imposition of any prohibition, restriction, fee imposition, or taxation of auxiliary containers at the retail, manufacturer, or distributor level.

(B) Nothing in this article may be construed to prohibit or limit any county or municipal ordinance regulating solid waste, agreement pertaining to the disposal of solid waste, curbside recycling program, designated residential or commercial recycling locations, or commercial recycling program.

(C) Nothing in this article may be construed as applying to the use of auxiliary containers within the boundaries of a state, county, or municipal park; on a property owned by a county or municipality, including, but not limited to, coastal tidelands and wetlands; or on a public beach, river, or other body of water maintained by a county or municipality. A county or municipality that elects to enact an ordinance pertaining to the use of auxiliary containers on the exempted properties listed herein may fine a person or business in violation of the ordinance up to one thousand dollars per violation.”

SECTION 3. This act takes effect upon approval by the Governor.

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