AN ACT concerning cities and counties; prohibiting the regulations of
consumer merchandise and of auxiliary containers that are designed for
the consumption, transportation or protection of consumer
merchandise.

Be it enacted by the Legislature of the State of Kansas:

Section 1. As used in sections 1 and 2, and amendments thereto:
(a) "Auxiliary container" means, without limitation, a straw, cutlery,
bag, cup, package, container, bottle, device or other packaging:
(1) Made of cloth, paper, plastic, foamed plastic, expanded plastic,
cardboard, corrugated material, aluminum, glass, postconsumer recycled
material or similar coated or laminated material; and
(2) designed for the consumption, transportation or protection of
consumer merchandise, food or beverage at a manufacturing, distribution
or processing facility or a food service or retail establishment.
(b) "Consumer merchandise" means merchandise, wares, goods,
articles or commodities offered for sale or lease, or provided with a sale or
lease, primarily, but not exclusively, for personal, family or household
purposes and includes any auxiliary container used for consuming,
carrying or transporting such merchandise.
(c) "Food service establishment" means an establishment that
prepares or serves food for sale to the public.
(d) "Municipality" means a city, county or unified government.
(e) "Retail establishment" means any retail establishment, including,
but not limited to, a grocery store, supermarket, convenience store, liquor
store, dry cleaning establishment, pharmacy, drug store, hardware store,
clothing store or department store.

Sec. 2. (a) Except as provided under subsection (b), a municipality
shall not adopt or enforce an ordinance, resolution or regulation that
restricts, taxes, prohibits or otherwise regulates the use, disposition or sale
of auxiliary containers or consumer merchandise.
(b) Nothing in this act shall be construed to prohibit or restrict a
municipality from:
(1) Passing or enforcing a general state or general local sales and use
tax;
(2) restricting the use of glass containers within the municipality
based on public safety concerns;
(3) prohibiting littering;
(4) setting reasonable standards for the regulation of alcohol possession as otherwise provided by law;
(5) operating a recycling, composting or solid waste disposal program;
(6) regulating the use of auxiliary containers on property owned or maintained by the municipality;
(7) regulating consumer merchandise to the extent necessary to comply with local building or fire codes;
(8) requiring the licensing or permitting of a retailer of consumer merchandise; or
(9) enacting or enforcing an ordinance, motion, rule, regulation, resolution or amendment that is specifically authorized by state or federal law.
(c) Except as provided by subsection (b), any ordinance, motion, rule, regulation, resolution or amendment prohibited by sections 1 and 2, and amendments thereto, that was adopted prior to the effective date of this act shall be null and void.
(d) Nothing in this section shall be construed as to prohibit or restrict the zoning authority of municipalities.
Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.