

Senate Bill 139

By: Senators Harper of the 7th, Mullis of the 53rd, Wilkinson of the 50th, Tolleson of the 20th, Sims of the 12th and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling
2 and other trade practices, so as to provide that any regulation regarding the use, disposition,
3 or sale or any imposition of any prohibition, restriction, fee imposition, or taxation of
4 auxiliary containers shall be done only by general law; to provide for legislative findings; to
5 provide for a definition; to provide for exceptions; to provide for related matters; to provide
6 an effective date; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other
10 trade practices, is amended by adding a new article to read as follows:

11 "ARTICLE 35

12 10-1-940.

13 (a) The General Assembly finds that:

14 (1) Prudent regulation of auxiliary containers is crucial to the welfare of Georgia's
15 economy;

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

18 (3) If individual political subdivisions of the state regulate such auxiliary containers,
19 there exists the potential for confusing and varying regulations which could lead to
20 unnecessary increased costs for retail and food establishments to comply with such
21 regulations.

22 (b) As used in this Code section, the term 'auxiliary container' means reusable bags,
23 disposable bags, boxes, cups, and bottles which are made of cloth, paper, plastic, extruded

24 polystyrene, or similar materials which are designed for one-time use or for transporting
25 merchandise or food from food and retail facilities.

26 (c) Any regulation regarding the use, disposition, or sale or any imposition of any
27 prohibition, restriction, fee imposition, or taxation of auxiliary containers at the retail,
28 manufacturer, or distributor setting shall be done only by general law.

29 (d) Nothing in this Code section shall be construed to prohibit or limit any county or
30 municipal curbside recycling program or other designated recycling locations."

31 **SECTION 2.**

32 This Act shall become effective upon its approval by the Governor or upon its becoming law
33 without such approval.

34 **SECTION 3.**

35 All laws and parts of laws in conflict with this Act are repealed.