

REFERENCE TITLE: single use plastics; recyclables; fee

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

## **HB 2497**

Introduced by  
Representatives Tsosie: Andrade, Campbell, Cano, Epstein, Hernandez A,  
Hernandez D, Pawlik, Rodriguez, Teller, Terán, Senators Gonzales, Mendez,  
Peshlakai, Steele

### **AN ACT**

REPEALING SECTIONS 9-500.38 AND 11-269.16, ARIZONA REVISED STATUTES;  
AMENDING SECTION 44-1648, ARIZONA REVISED STATUTES; AMENDING TITLE 49,  
CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 49-775;  
RELATING TO SOLID WASTE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Repeal

3 Sections 9-500.38 and 11-269.16, Arizona Revised Statutes, are  
4 repealed.

5 Sec. 2. Section 44-1648, Arizona Revised Statutes, is amended to  
6 read:

7 44-1648. Preemption; power of local authorities; city, town  
8 or county licensing system

9 A. The state legislature determines that the registration of scrap  
10 metal dealers is a matter of statewide concern. The power to register  
11 scrap metal dealers is preempted by this state.

12 B. ~~Sections 9-500.38 and 11-269.16 do not affect a city's, town's~~  
13 ~~or county's power to enforce laws relating to business licensing of scrap~~  
14 ~~metal dealers.~~ This article does not affect a city's, town's or county's  
15 power to enforce laws relating to business licensing. ~~Sections 9-500.38~~  
16 ~~and 11-269.16 and~~ this article ~~do~~ DOES not apply to a city's, town's or  
17 county's system for licensing a scrap metal dealer if the licensing system  
18 includes background checks or identification and fingerprinting of the  
19 owners of the scrap metal dealer.

20 C. A scrap metal dealer's license that is current and in good  
21 standing with a city's, town's or county's licensing system before  
22 September 13, 2013 is in compliance with that licensing system and the  
23 city, town or county may not require the scrap metal dealer to reapply for  
24 licensure in order to be in compliance with the city's, town's or county's  
25 licensing system unless there is an event or circumstance that requires an  
26 amendment or filing pursuant to the city's, town's or county's licensing  
27 system's requirements.

28 Sec. 3. Title 49, chapter 4, article 4, Arizona Revised Statutes,  
29 is amended by adding section 49-775, to read:

30 49-775. Single use plastics; prohibition; recyclables; fee

31 A. A PERSON THAT SELLS AT RETAIL GROCERIES, FOOD OR BEVERAGES FOR  
32 USE OR CONSUMPTION OFFSITE:

33 1. MAY NOT PROVIDE CUSTOMERS WITH A DISPOSABLE OR SINGLE-USE BAG  
34 THAT IS DESIGNED PRIMARILY FOR USE IN TRANSPORTING THE GROCERIES, FOOD OR  
35 BEVERAGES AWAY FROM THE POINT OF SALE TO THE CUSTOMER'S CONTROL.

36 2. MAY SELL OR USE SINGLE-USE DISPOSABLE CUPS, SINGLE-USE  
37 DISPOSABLE STRAWS, SINGLE-USE DISPOSABLE FOOD CONTAINERS AND RECYCLABLE  
38 FOOD CONTAINERS ONLY IF THE PERSON COLLECTS A FEE FROM THE CUSTOMER FOR  
39 EACH SINGLE-USE DISPOSABLE CUP, SINGLE-USE DISPOSABLE STRAW, SINGLE-USE  
40 DISPOSABLE FOOD CONTAINER AND RECYCLABLE FOOD CONTAINER.

41 B. THE DIRECTOR SHALL ESTABLISH BY RULE THE AMOUNT OF THE FEE TO BE  
42 COLLECTED AS PRESCRIBED IN SUBSECTION A OF THIS SECTION. THE FEE SHALL BE  
43 COLLECTED AND TRANSMITTED BY THE RETAILER IN THE SAME MANNER AS A  
44 TRANSACTION PRIVILEGE TAX FOR USE AS FOLLOWS:

1           1. FIFTY PERCENT OF THE FEE COLLECTED ON A RECYCLABLE FOOD  
2 CONTAINER SHALL BE TRANSFERRED TO THE CITY, TOWN OR COUNTY IN WHICH THE  
3 FEE IS COLLECTED AND A PORTION OF THAT AMOUNT SHALL BE USED TO PAY A  
4 REFUND TO PERSONS WHO RETURN FOR RECYCLING A RECYCLABLE FOOD CONTAINER. A  
5 CITY, TOWN OR COUNTY THAT PAYS A REFUND PURSUANT TO THIS PARAGRAPH SHALL  
6 RECYCLE THE RETURNED ITEM.

7           2. FORTY PERCENT OF THE FEE COLLECTED ON A SINGLE-USE DISPOSABLE  
8 CUP, SINGLE-USE DISPOSABLE STRAW OR SINGLE-USE DISPOSABLE FOOD CONTAINER  
9 SHALL BE USED FOR PAYMENT FOR THE COSTS OF OPERATING A HOUSEHOLD WASTE  
10 RECYCLING PROGRAM FOR ANY CITY, TOWN OR COUNTY IN WHICH THE HOUSEHOLD  
11 WASTE RECYCLING PROGRAM OPERATES AT A FINANCIAL LOSS.

12           3. THE REMAINING PORTION OF EACH FEE COLLECTED SHALL BE TRANSFERRED  
13 FOR DEPOSIT IN THE STATE GENERAL FUND.

14           C. NOTWITHSTANDING ANY OTHER STATUTE, A CITY, TOWN OR COUNTY MAY  
15 ENACT AN ORDINANCE THAT IS MORE STRINGENT THAN THIS SECTION.