

Senate Engrossed House Bill

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

**FILED**  
**MICHELE REAGAN**  
**SECRETARY OF STATE**

CHAPTER 28

# **HOUSE BILL 2131**

AN ACT

REPEALING SECTION 9-500.36, ARIZONA REVISED STATUTES; AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-500.38; REPEALING SECTION 11-269.14, ARIZONA REVISED STATUTES; AMENDING TITLE 11, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-269.15; RELATING TO AUXILIARY CONTAINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Repeal

3 Section 9-500.36, Arizona Revised Statutes, is repealed.

4 Sec. 2. Title 9, chapter 4, article 8, Arizona Revised Statutes, is  
5 amended by adding section 9-500.38, to read:

6 9-500.38. Prohibition on regulation of auxiliary containers:  
7 state preemption; definition

8 A. A CITY OR TOWN MAY NOT:

9 1. IMPOSE A TAX, FEE, ASSESSMENT, CHARGE OR RETURN DEPOSIT ON A  
10 CONSUMER OR AN OWNER, OPERATOR OR TENANT OF A BUSINESS, COMMERCIAL BUILDING  
11 OR MULTIFAMILY HOUSING PROPERTY FOR AUXILIARY CONTAINERS.

12 2. REGULATE THE SALE, USE OR DISPOSITION OF AUXILIARY CONTAINERS BY AN  
13 OWNER, OPERATOR OR TENANT OF A BUSINESS, COMMERCIAL BUILDING OR MULTIFAMILY  
14 HOUSING PROPERTY.

15 B. THE REGULATION OF THE SALE, USE AND DISPOSITION OF AUXILIARY  
16 CONTAINERS IS A MATTER OF STATEWIDE CONCERN. THE REGULATION OF THE SALE, USE  
17 OR DISPOSITION OF AUXILIARY CONTAINERS BY AN OWNER, OPERATOR OR TENANT OF A  
18 BUSINESS, COMMERCIAL BUILDING OR MULTIFAMILY HOUSING PROPERTY PURSUANT TO  
19 THIS SECTION IS NOT SUBJECT TO FURTHER REGULATION BY A CITY OR TOWN.

20 C. THIS SECTION DOES NOT PREVENT A CITY OR TOWN FROM CONTINUING A  
21 VOLUNTARY RECYCLING AND WASTE REDUCTION PROGRAM AS AUTHORIZED BY SECTION  
22 9-500.07 OR ENSURING THAT DISCARDED AUXILIARY CONTAINERS DEFINED AS SOLID  
23 WASTE PURSUANT TO SECTION 49-701.01 ARE DISPOSED OF PROPERLY.

24 D. FOR THE PURPOSES OF THIS SECTION, "AUXILIARY CONTAINER" INCLUDES  
25 REUSABLE BAGS, DISPOSABLE BAGS, BOXES, BEVERAGE CANS, BOTTLES, CUPS AND  
26 CONTAINERS THAT ARE MADE OUT OF CLOTH, PLASTIC, EXTRUDED POLYSTYRENE, GLASS,  
27 ALUMINUM, CARDBOARD OR OTHER SIMILAR MATERIALS AND THAT ARE USED FOR  
28 TRANSPORTING MERCHANDISE OR FOOD TO OR FROM A BUSINESS OR MULTIFAMILY HOUSING  
29 PROPERTY. AUXILIARY CONTAINER DOES NOT INCLUDE A STATIONARY RECEPTACLE  
30 INTENDED SOLELY FOR USE BY THE PUBLIC FOR VOLUNTARY DONATION OF GOODS AND  
31 MATERIALS INTENDED FOR SUBSEQUENT REUSE, SALE OR RECYCLING.

32 Sec. 3. Repeal

33 Section 11-269.14, Arizona Revised Statutes, is repealed.

34 Sec. 4. Title 11, chapter 2, article 4, Arizona Revised Statutes, is  
35 amended by adding section 11-269.15, to read:

36 11-269.15. Prohibition on regulation of auxiliary containers:  
37 state preemption; definition

38 A. A COUNTY MAY NOT:

39 1. IMPOSE A TAX, FEE, ASSESSMENT, CHARGE OR RETURN DEPOSIT ON A  
40 CONSUMER OR AN OWNER, OPERATOR OR TENANT OF A BUSINESS, COMMERCIAL BUILDING  
41 OR MULTIFAMILY HOUSING PROPERTY FOR AUXILIARY CONTAINERS.

42 2. REGULATE THE SALE, USE OR DISPOSITION OF AUXILIARY CONTAINERS BY AN  
43 OWNER, OPERATOR OR TENANT OF A BUSINESS, COMMERCIAL BUILDING OR MULTIFAMILY  
44 HOUSING PROPERTY.

1 B. THE REGULATION OF THE SALE, USE AND DISPOSITION OF AUXILIARY  
2 CONTAINERS IS A MATTER OF STATEWIDE CONCERN. THE REGULATION OF THE SALE, USE  
3 OR DISPOSITION OF AUXILIARY CONTAINERS BY AN OWNER, OPERATOR OR TENANT OF A  
4 BUSINESS, COMMERCIAL BUILDING OR MULTIFAMILY HOUSING PROPERTY PURSUANT TO  
5 THIS SECTION IS NOT SUBJECT TO FURTHER REGULATION BY A COUNTY.

6 C. THIS SECTION DOES NOT PREVENT A COUNTY FROM CONTINUING A VOLUNTARY  
7 RECYCLING AND WASTE REDUCTION PROGRAM AS AUTHORIZED BY SECTION 11-269 OR  
8 ENSURING THAT DISCARDED AUXILIARY CONTAINERS DEFINED AS SOLID WASTE PURSUANT  
9 TO SECTION 49-701.01 ARE DISPOSED OF PROPERLY.

10 D. FOR THE PURPOSES OF THIS SECTION, "AUXILIARY CONTAINER" INCLUDES  
11 REUSABLE BAGS, DISPOSABLE BAGS, BOXES, BEVERAGE CANS, BOTTLES, CUPS AND  
12 CONTAINERS THAT ARE MADE OUT OF CLOTH, PLASTIC, EXTRUDED POLYSTYRENE, GLASS,  
13 ALUMINUM, CARDBOARD OR OTHER SIMILAR MATERIALS AND THAT ARE USED FOR  
14 TRANSPORTING MERCHANDISE OR FOOD TO OR FROM A BUSINESS OR MULTIFAMILY HOUSING  
15 PROPERTY. AUXILIARY CONTAINER DOES NOT INCLUDE A STATIONARY RECEPTACLE  
16 INTENDED SOLELY FOR USE BY THE PUBLIC FOR VOLUNTARY DONATION OF GOODS AND  
17 MATERIALS INTENDED FOR SUBSEQUENT REUSE, SALE OR RECYCLING.

18 Sec. 5. Legislative findings

19 The legislature finds that small businesses are particularly sensitive  
20 to costs and expenses incurred in complying with regulatory actions of a  
21 city, town or county. The legislature further finds that inconsistent  
22 regulation by cities, towns and counties hinders a small business from  
23 benefiting from free and open competition.

APPROVED BY THE GOVERNOR MARCH 14, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 15, 2016.

Passed the House February 10, 2016

Passed the Senate March 10, 2016

by the following vote: 35 Ayes,

by the following vote: 18 Ayes,

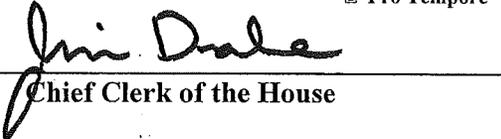
24 Nays, 1 Not Voting

11 Nays, 1 Not Voting



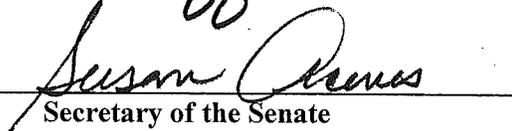
Speaker of the House

Pro Tempore

  
Chief Clerk of the House



President of the Senate

  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

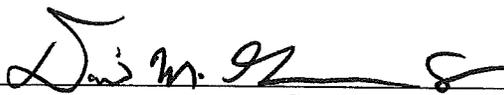
H.B. 2131

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

March 14, 20 16,

by the following vote: 34 Ayes,

24 Nays, 2 Not Voting

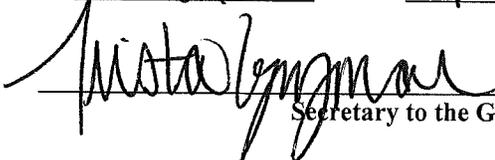
  
Speaker of the House

  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this  
14th day of March, 20 16,

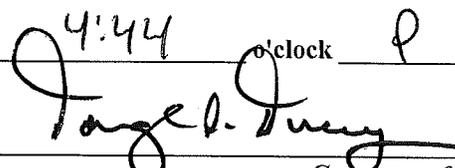
at 3:36 o'clock P. M.

  
Secretary to the Governor

Approved this 14th day of

March, 20 16,

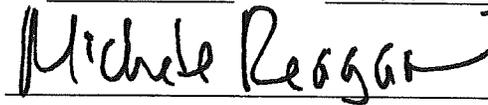
at 4:44 o'clock P. M.

  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 15 day of March, 20 16,

at 9:33 o'clock A M.

  
Secretary of State

H.B. 2131