

HOUSE BILL NO. 160

INTRODUCED BY E. STAFMAN, B. EDWARDS, M. LEE, P. STRAND, B. CLOSE, P. ELVERUM, D.

POWERS, M. CUNNINGHAM, M. FOX, M. CAFERRO, D. HAWK, C. KEOGH, D. JOY

A BILL FOR AN ACT ENTITLED: "AN ACT REPEALING THE LOCAL GOVERNMENT PROHIBITION OF THE  
REGULATION OF CERTAIN AUXILIARY CONTAINERS; AND AMENDING SECTIONS 7-1-111 AND 7-5-131,  
MCA; AND REPEALING SECTION 7-1-121, MCA SECTION 7-1-121, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

**Section 1.** Section 7-1-121, MCA, is amended to read:

**"7-1-121. Statewide uniformity for auxiliary container regulations -- local prohibitions --**

**definitions.** (1) The purpose of this section is to preempt any local ordinance, resolution, initiative, or  
referendum regulating the use, disposition, sale, prohibitions, fees, charges, or taxes on certain containers.

(2) Except as provided in subsection (3), a local unit of government may not adopt or enforce any  
local ordinance, resolution, initiative, or referendum that:

(a) regulates the use, disposition, or sale of auxiliary containers;

(b) prohibits or restricts auxiliary containers; or

(c) imposes a fee, charge, or tax on auxiliary containers.

(3) The prohibitions in subsection (2) may not be construed to prohibit, restrict, or apply to any of  
the following:

(a) a curbside recycling program;

(b) a designated residential or commercial recycling location;

(c) a commercial recycling program;

(d) an ordinance that prohibits littering; or

# Amendment - 1st Reading-white - Requested by: Ed Stafman - (H) Local Government

- 2025

69th Legislature 2025

Drafter: Toni Henneman,

HB0160.001.001

(e) the use of auxiliary containers on property owned by a local unit of government.

(4) As used in this section, unless the context requires otherwise, the following definitions apply:

(a) "Auxiliary container" means a bag, cup, bottle, can, device, eating or drinking utensil or tool, or other packaging, whether reusable or single use, that is:

(i) made entirely of or in a combination of cloth, paper, ~~plastic, including foamed or expanded plastic,~~ cardboard, corrugated material, aluminum, glass, postconsumer recycled material, or similar material ~~or substrates, including coated, laminated, or multilayer substrates;~~ and

(ii) designed for transporting, consuming, or protecting merchandise, food, or a beverage to or from, or at, a food service, manufacturing, distribution or processing facility, or retail facility.

(b) "Local unit of government" means any county, municipality, school district, special district or other political subdivision of the state, including any agency or governing body of a local unit of government as defined by 7-4-502, or a similar unit of government of another state or nation."

- END -