

**HOUSE BILL No. 2625**

By Committee on Commerce, Labor and Economic Development

2-11

1 AN ACT concerning paper or plastic carryout bags and other single-use  
2 plastic items; prohibiting the regulation of such items by municipalities.

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

5 Section 1. (a) A municipality shall not enact or enforce any ordinance,  
6 resolution, regulation, charge, fee or tax relating to the use by stores or  
7 food service establishments, or the provision to their customers, of single-  
8 use plastic carryout bags, paper carryout bags, single-use plastic stirrers,  
9 single-use plastic straws, expanded polystyrene food service products or  
10 any single-use plastic product.

11 (b) Any ordinance, resolution or regulation prohibited by subsection  
12 (a) that was adopted prior to July 1, 2020, shall be null and void.

13 (c) As used in this section:

14 (1) "Carryout bag" means a bag provided by a store or food service  
15 establishment to a customer at the point of sale for the purpose of  
16 transporting groceries or retail goods, packaging prescription medications,  
17 or provided inside the store or food service establishment to package loose  
18 items, such as fruits, vegetables, nuts, coffee, grains, bakery goods, candy,  
19 greeting cards or small hardware items, or containing or wrapping foods or  
20 flowers or a laundry, dry cleaning or garment bag provided to protect or  
21 transport clothing or garments.

22 (2) "Expanded polystyrene" means blown polystyrene and expanded  
23 and extruded foams that are thermoplastic petrochemical materials using a  
24 styrene monomer and processed by a number of techniques, including:  
25 Fusion of polymer spheres, known as expandable bead 20 polystyrene;  
26 injection molding; foam molding; and extrusion blow molding, also  
27 known as extruded foam polystyrene.

28 (3) (A) "Expanded polystyrene food service product" means a  
29 product made of expanded polystyrene or nonfoam polystyrene that is:

30 (i) Used for selling, packaging or providing food or beverages to  
31 customers; and

32 (ii) generally recognized by the public as an item to be discarded after  
33 one use.

34 (B) "Expanded polystyrene food service product" includes:

35 (i) Food containers, plates, hot and cold beverage cups, trays, cartons  
36 for eggs or other food and packaging for food or beverages for transport to

1 a food service establishment or store; or

2 (ii) products made of expanded polystyrene that are used to package  
3 raw, uncooked or butchered meat, fish, poultry or seafood.

4 (4) "Food service establishment" means an entity that prepares or  
5 serves food for sale to the public, including restaurants, temporary food  
6 vendors, caterers, mobile food units, coffee shops, cafeterias, short-order  
7 cafes, luncheonettes, grills, tea rooms, sandwich shops, soda fountains,  
8 taverns, private clubs, roadside kitchens, commissaries, temporary food  
9 vendors and caterers.

10 (5) "Municipality" means a city, county or unified government.

11 (6) "Plastic" means a synthetic material made from linking monomers  
12 through a chemical reaction to create a polymer chain that can be molded  
13 or extruded at high heat into various solid forms that retain their defined  
14 shapes during their life cycle and after disposal, including material derived  
15 from either petroleum or a biologically based polymer, such as corn or  
16 other plant sources.

17 (7) "Point of sale" means a check-out stand, cash register or other  
18 point of departure from a store or food service establishment, including the  
19 location where remotely ordered food or products are delivered to a  
20 customer.

21 (8) "Single-use plastic carryout bag" means a carryout bag that is:

22 (A) Made of plastic;

23 (B) a single-use product; and

24 (C) not a reusable carryout bag.

25 (9) "Single-use plastic stirrer" means a utensil that is:

26 (A) Used to mix beverages;

27 (B) made predominantly of plastic; and

28 (C) a single-use product.

29 (10) "Single-use product" or "single use" means a product that is  
30 generally recognized by the public as an item to be discarded after one use.

31 (11) "Store" means a grocery store, supermarket, convenience store,  
32 liquor store, drycleaner, pharmacy, drug store or other retail establishment  
33 that provides carryout bags to its customers.

34 Sec. 2. This act shall take effect and be in force from and after its  
35 publication in the statute book.