

REFERENCE TITLE: **single use plastics; request; charge**

State of Arizona  
Senate  
Fifty-fifth Legislature  
Second Regular Session  
2022

# **SB 1103**

Introduced by  
Senator Mendez: Representative Salman

## **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;  
REPEALING LAWS 2016, CHAPTER 28, SECTION 5; 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4 repealed.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~~  
10 REGISTERING scrap metal dealers is a matter of statewide concern. The  
11 power to register 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~~ IDENTIFYING and  
19 fingerprinting ~~of~~ the 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; consumer request; fee

31 A PERSON THAT SELLS RETAIL GROCERIES, FOOD OR BEVERAGES FOR USE OR  
32 CONSUMPTION OFFSITE OR ONSITE MAY PROVIDE TO A CUSTOMER THE FOLLOWING  
33 ITEMS:

34 1. SINGLE-USE STRAWS, CUTLERY, PLATES OR DRINK STIRRERS ONLY IF  
35 SPECIFICALLY REQUESTED BY THE CUSTOMER.

36 2. SINGLE-USE BAGS FOR USE IN TRANSPORTING THE PURCHASED ITEMS AWAY  
37 FROM THE POINT OF SALE ONLY IF SPECIFICALLY REQUESTED BY THE CUSTOMER AND  
38 AFTER PAYMENT OF AN ADDITIONAL CHARGE OF \$.05 PER BAG TO THE SELLER.

39 Sec. 4. Repeal

40 Laws 2016, chapter 28, section 5 is repealed.