



Before the House State and Local Government Committee  
Proponent Testimony on House Bill 242  
June 5, 2019

Chairman Wiggam, Vice-Chair Ginter, Ranking Member Kelly, and the members of the State and Local Government Committee, my name is Tony Long, and I am the Director of Tax & Economic Policy for the Ohio Chamber of Commerce. On behalf of the 8,000 members of the Ohio Chamber of Commerce, I would like to express our support for House Bill 242. HB 242 would preempt local government attempts to impose a ban or assessment of a tax, fee, or other charges on auxiliary containers. This statewide preemption would stop the development of a cumbersome patchwork of local ordinances that would negatively impact Ohio businesses and consumers.

An auxiliary container, as defined in the bill, is a bag, can, cup, food or beverage service item, container, keg, bottle or other packaging made of many different types of materials. Auxiliary containers are used to consume, transport or protect merchandise, food or beverages obtained at a food service operation, or from retail food establishments, grocery stores or any type of retail, manufacturing or distribution establishment.

Local ordinances that impose a ban or that assess a charge on these containers result in added costs that directly impact the bottom line for many businesses, both large and small. They also create regulatory burdens due in part to the lack of uniformity between local jurisdictions in both the ordinances and the regulations used to carry out the ordinances. These added costs not only impact a business's bottom line, but the ban or extra charge also takes away consumers freedom to make their own decision on which type of auxiliary container to use.

As is the case with a variety of other local ordinances that attempt to impose mandates on private sector activities, the businesses in that community become less competitive when compared to similar businesses in a local community with no mandate because consumers shift their business to establishments outside of the jurisdiction that imposed the ban or additional fee.

In addition, these ordinances represent a threat to the viability of auxiliary container manufacturers, many of whom operate right here in Ohio.

By prohibiting local governments from interfering in economic matters concerning the private sector, HB 242 will protect retail establishments, manufacturers, distributors, and consumers and, ultimately, our state's overall economic competitiveness. For these reasons, the Ohio Chamber of Commerce respectfully asks members of the committee to favorably report HB 242. Thank you for your attention and I am happy to answer any questions.