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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 242  
133<sup>rd</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for H.B. 242's Bill Analysis](#)

**Version:** As Introduced

**Primary Sponsors:** Reps. Lang and Jones

**Local Impact Statement Procedure Required:** Yes

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### Highlights

- Cuyahoga County, the village of Orange (Cuyahoga County), and the city of Bexley (Franklin County) all have enacted plastic use restrictions that may be affected by the bill. The potential effect on their respective enforcement costs and related revenue generation is uncertain.
- The bill has no direct fiscal effect on the state.

### Detailed Analysis

The bill: (1) prohibits a municipal corporation, charter county, or limited home-rule township from imposing a tax, fee, assessment, or other charge on auxiliary containers, the sale, use, or consumption of such containers, or on the basis of receipts received from the sale of such containers, (2) authorizes a person to use an auxiliary container for purposes of commerce or otherwise, and (3) clarifies that existing anti-littering laws apply to auxiliary containers.

LBO is aware of three local governments that have enacted ordinances (described below) that may be affected by the bill.

1. The village of Orange (Cuyahoga County) passed an ordinance that, effective April 1, 2019, specified that retailers offer only either a reusable carryout bag or a permitted paper bag to a customer at the point of sale for the purpose of transporting goods, and prohibited plastic bags to be used, retail or wholesale, within the village limits by any business. A violation by a business is an unclassified misdemeanor punishable by a written warning for the first offense, a fine of up to \$100 for a second offense, and up to a \$500 fine for each subsequent offense. A separate violation is deemed committed each day during or on which a violation or noncompliance occurs or continues.

2. On May 28, 2019, Cuyahoga County Council passed an ordinance that, effective October 1, 2019, prohibits disposable plastic bags or nonpermitted paper bags from being used within the county by any retail establishment, and requires such establishments to offer only a reusable bag or permitted paper bag to a customer at the point of sale for the purpose of transporting goods. A retail establishment found to be in violation is subject to a written warning for the first violation, a civil fine of up to \$100 for a second violation, and a civil fine of up to \$500 for each subsequent violation. A separate violation is deemed committed each day during or on which a violation or noncompliance occurs or continues. (As of June 5, 2019, the County Executive had not signed the ordinance into law.)
3. The city of Bexley (Franklin County) passed an ordinance on May 29, 2019, that generally prohibits a store from providing a single-use carryout bag to a customer for the purpose of transporting food or merchandise out of the store after January 1, 2020. A violation is a minor misdemeanor with a fine of not more than \$100. A separate violation is deemed committed each day during or on which a violation or noncompliance occurs or continues.

The bill's provisions authorizing the use of auxiliary containers and clarifying the anti-littering laws codify current practice as auxiliary containers are used and considered litter in the absence of the bill.