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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Legislative Budget
Office

H.B. 242
133rd General Assembly

Fiscal Note & Local Impact Statement

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

Version: As Enacted

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 cities of Bexley (Franklin County) and Cincinnati (Hamilton County) all have enacted plastic use restrictions potentially affected for a 12-month period beginning from the bill's effective date. The 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, (3) sunsets the preceding provisions (1) and (2) 12 months from the bill's effective date, and (4) clarifies that existing anti-littering laws apply to auxiliary containers.

LBO is aware of four local governments that have enacted ordinances (described below) potentially affected by the bill.

1. The village of Orange (Cuyahoga County) passed an ordinance¹ (effective April 1, 2019) requiring retailers to 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. The ordinance

¹ Ordinance 2018-43.

also prohibits plastic bags to be used, retail or wholesale, within the village limits by any business. A violation by a business in the village of Orange 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. Cuyahoga County passed an ordinance (effective January 1, 2020),² prohibiting disposable plastic bags or nonpermitted paper bags from being used within the county by any retail establishment, and requiring such establishments to offer only a reusable bag or permitted paper bag to a customer at the point of sale for 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. Enforcement of the ordinance was delayed until July 1, 2020, in order to give retailers time to prepare. A number of municipalities in the county have opted out of the ban, citing home rule authority.
3. The city of Bexley (Franklin County) passed an ordinance (effective January 1, 2020),³ generally prohibiting a store from providing a single-use carryout bag to a customer for the purpose of transporting food or merchandise out of the store. 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.
4. The city of Cincinnati passed an ordinance prohibiting restaurants and “food-service establishments” (which could include grocery stores, convenience stores, and any other business that sells food in a permanent location) from providing single-use plastic bags to customers, with certain exceptions.⁴ The ordinance is effective January 1, 2021 or the day following the expiration of any legislation passed by the Ohio General Assembly prohibiting local governments from passing or enforcing charges associated with single-use bags if that date is later than January 1, 2021.

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.

HB0242EN/zg

² Ordinance 02019-0005 (enacting Chapter 1304 of the Cuyahoga County Code to implement a Disposable Bag Ban).

³ Amended Ordinance 14 – 19 (an ordinance to add Chapter 888 to the Bexley City Code to restrict single use plastics in the City of Bexley, Ohio).

⁴ Municipal Code Chapter 802, enacted September 10, 2020.