

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]

SENATE SUBSTITUTE NO. 2 FOR  
HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 722

98TH GENERAL ASSEMBLY

1745S.04T

2015

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## AN ACT

To amend chapters 260 and 285, RSMo, by adding thereto two new sections relating to prohibited ordinances by political subdivisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapters 260 and 285, RSMo, are amended by adding thereto two new sections, to be known as sections 260.283 and 285.055, to read as follows:

**260.283. 1. All merchants, itinerant vendors, and peddlers doing business in this state shall have the option to provide customers either a paper or a plastic bag for the packaging of any item or good purchased, provided such purchase is of a size and manner commensurate with the use of paper and plastic bags.**

**2. Notwithstanding any other provision of law, no political subdivision shall impose any ban, fee, or tax upon the use of either paper or plastic bags for packaging of any item or good purchased from a merchant, itinerant vendor, or peddler. No political subdivision shall prohibit a consumer from using a reusable bag for the packaging of any item or good purchased from a merchant, itinerant vendor, or peddler.**

**285.055. 1. As used in this section, the following terms shall mean:**

**(1) "Employee", an individual employed in this state by an employer;**

**(2) "Employer", any individual, sole proprietorship, partnership, limited liability company, corporation, or any other entity that is legally doing business in this state;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

5 provided, however, that employer shall not include any public employer as defined in  
6 section 285.525;

7 (3) "Employment benefits", anything of value that an employee may receive from  
8 an employer in addition to wages and salary. The term includes, but is not limited to,  
9 health, disability, retirement, profit-sharing, and death benefits; group accidental death  
10 and dismemberment benefits; paid or unpaid days off from work for holidays, sick leave,  
11 vacation, and personal necessity; and terms of employment, attendance, or leave policies;

12 (4) "Political subdivision", any county, city, town, or village.

13 2. No political subdivision shall establish, mandate, or otherwise require an  
14 employer to provide to an employee:

15 (1) A minimum or living wage rate; or

16 (2) Employment benefits;

17

18 that exceed the requirements of federal or state laws, rules, or regulations. The provisions  
19 of this subsection shall not preempt any state law or local minimum wage ordinance  
20 requirements in effect on August 28, 2015.

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# Missouri Legislature Continues Prohibition On Single Use Plastic Bans



[Xander Negozio](#)



[August 5, 2021](#)



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In Missouri, [a 2015 law](#) prevents legislators from banning single use plastics, a devastating source of pollution that has [largely gone unrecycled](#). Half of all plastics are meant to be used only once, [according to the United Nations Environment Programme](#).



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The production and transportation of plastic also emitted more carbon dioxide, the leading greenhouse gas, than 2.1 million cars in 2015, [according to the Center for International Environmental Law](#).

Since plastic production shows no signs of slowing down, and it's becoming [increasingly difficult for recyclers to make a profit](#) on their breakdown and recomposition, one Missouri lawmaker is trying to repeal the ban on plastic-bans.

House Bill 227, filed by Missouri Rep. Ingrid Burnett, D-Kansas City, would have repealed the state law that prevents cities from deciding for themselves if single use plastics should be permitted within their communities. It died in committee.

Speaker of the House Rep. Rob Vescovo, R-Arnold, assigned the bill on the last day of the legislative session, effectively dooming it, Burnett said. The bill had no cosponsors during the session.

"This is not a legislature that has an appetite for any kind of green initiatives," Burnett said, "Ultimately, they're not interested in environmental protections as much as they're interested in profit." Despite the lack of support, she plans to file the bill again next session.

Burnett sees the repeal not just as an environmental priority, but as a taxpayer-rights issue.

"If you have a robust recycling plant in your community that your community has voted for with their tax dollars, and you've got a product gumming up the works, the people who've voted that this is a priority to them should be able to impose restrictions on those products," Burnett said.

Michael Berg, the political director of the Missouri Sierra Club, said the existing ban marks a larger pattern of



hypocrisy within the legislature. He worked with Burnett to craft the bill.

“The Governor touts local control, especially during the pandemic,” Berg said, “and then blocks the ability of local governments to do certain things.”

Berg said disregard of the public extends beyond plastics. Senate Bill 391, passed in 2019, took away the ability of counties and municipalities to pass and enforce health ordinances that protect people and water from concentrated animal feeding operation waste. The National Association of Local Boards of Health noted that CAFO waste is a threat to groundwater and air quality; it also noted the agricultural sector is the largest source of [pollution to lakes, rivers, and reservoirs](#). There is a [pending lawsuit](#) regarding the constitutionality of the bill.

Berg said another blow to the public’s ability to protect citizens from environmental hazards is the lack of public representation on the Missouri Department of Natural Resources Clean Water Commission, which has been stacked with agricultural industry insiders since 2016. House Bill 1713 from Missouri’s 2016 legislative session changed its composition such that up to six of its seven members could represent agricultural interests, [which the Missouri Coalition for the Environment wrote is a case of “the fox watching the henhouse.”](#)

Burnett said she’s skeptical that her bill will get across the finish line next year, but feels it’s worth filing regardless.

“What I want to do more is be able to have the debate on it, to keep it in the consciousness of the public, and hopefully what that does is it allows people to have a bigger awareness of the importance of taking care of our environment,” she said.



## Xander Negozio

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