

Montana GOP usurps local choice with bill prohibiting regulation of food containers

<https://missoulacurrent.com/government/2021/02/gop-food-containers/>

Thousands of plastic bags line the Missoula landfill after a windstorm. The Legislature is proposing to prohibit local governments from regulating the way food is packaged or carried out. (Laura Lundquist/Missoula Current file photo)

HELENA — On a mostly party-line vote with Republicans in favor, the Montana House Wednesday endorsed a bill to prohibit local governments from regulating any food packaging or containers, such as plastic or Styrofoam.

The sponsor of the bill, Rep. Mark Noland, R-Bigfork, said any restrictions on food packaging should be statewide, rather than having a patchwork of local laws – and that it would protect small businesses from burdensome regulations.

“This bill is simply saying that certain prohibitions on the products we all use should be done on a statewide basis, so that consumers and businesses have one standard that covers the entire state,” he said. “We should not have dozens of different prohibitions.”

The House voted 64-to-35 in favor of [House Bill 407](#). All of the chamber’s Democrats and two Republicans voted against it. After a final vote Thursday, it will advance to the Senate.

Democratic Rep. Marilyn Marler of Missoula was the only person, other than Noland, who spoke on the bill, saying local governments in Montana should be able to decide on their own whether they want to take steps to reduce garbage.

“If people want to get together and do some local problem-solving, the state government doesn’t need to get in the way of that,” she said.

The bill says any local government cannot take any action, including a voter referendum, to regulate or tax “auxiliary containers.”

It defines auxiliary containers as any bag, bottle, cup, can, device or “drinking utensil or tool” designed for “transporting, consuming or protecting” food or beverage.

Noland said his intent is to prohibit any local bans or regulations on items such as plastic straws, plastic bags, Styrofoam or other food packaging or consumption products.

Montana has statewide regulations on gun ownership, building codes, minimum wages and other items, and the same uniformity should apply to food packaging, he said.