

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1471

By: Boren

AS INTRODUCED

An Act relating to municipal powers; amending 27A O.S. 2021, Section 2-10-901, which relates to municipal solid waste management systems; authorizing certain fee; stating permissible uses of fee; stating criteria for fee assessment; authorizing certain ordinance; amending 27A O.S. 2021, Section 2-11-504, which relates to the Plastic Container Labeling Act; adding definition; modifying applicability of act; construing provision; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 27A O.S. 2021, Section 2-10-901, is amended to read as follows:

Section 2-10-901. A. All incorporated cities and towns may directly or through a public trust of which it is a beneficiary develop a plan, subject to the approval of the Department of Environmental Quality, to provide a solid waste management system and shall adequately provide for the collection and disposal of solid waste generated or existing within the incorporated limits of such city or town or in the area to be served thereby at one or more disposal sites. The governing body of the city or town may enter

1 into agreements with a county or counties, with one or more other
2 incorporated towns or cities, with persons or trusts, or with any
3 combination thereof, to provide a disposal site or implement a solid
4 waste management system for the incorporated city or town. The
5 governing body of the city or town authorized to establish, operate,
6 and maintain municipal solid waste management systems may levy and
7 collect narrowly tailored fees to offset the costs of such solid
8 waste management systems.

9 B. The governing body of such town or city shall have the
10 authority to levy and collect such fees and charges and require such
11 licenses as may be appropriate to discharge their responsibility,
12 and such fees, charges, and licenses shall be based on a fee
13 schedule as set forth in an ordinance. Fees imposed pursuant to
14 this subsection shall be narrowly tailored, just, reasonable, and
15 equitable and may be based upon the quantity or character of the
16 solid waste generated or managed.

17 C. Incorporated cities or towns may control, through ordinance,
18 regulation, rule, or by permit, the collection, transportation,
19 storage, and disposal of solid waste generated or existing within
20 the jurisdiction or control of such city or town, including
21 requiring the delivery of all such solid waste to a disposal site.
22 Provided, that the city or town may not require the delivery of
23 solid waste to the operator of a solid waste management system other
24 than in accordance with the procedures of the Oklahoma Solid Waste

1 Management Act. In addition to any authority otherwise granted by
2 law, incorporated cities or towns may adopt an ordinance
3 establishing a solid waste mitigation fee related to the impacts of
4 retail delivery, single-use products, auxiliary or plastic
5 containers, or other activities or items that contribute to the
6 generation of municipal solid waste. Revenue generated from a fee
7 authorized pursuant to this subsection shall be used solely for
8 municipal solid waste management purposes including, but not limited
9 to:

10 1. Solid waste collection, processing, and disposal;
11 2. Recycling, composting, reuse, and waste reduction programs;
12 3. Litter prevention, abatement, and cleanup;
13 4. Public education and outreach related to waste reduction,
14 recycling, and the reduction of contaminants associated with solid
15 waste that may impact water quality, food safety, or public health;
16 5. Infrastructure, equipment, planning, and administrative
17 costs directly related to municipal solid waste management systems;
18 and

19 6. Programs, studies, equipment, or infrastructure intended to
20 reduce the release of persistent, bioaccumulative, or toxic
21 substances from municipal solid waste into surface water,
22 groundwater, soil, food systems, and the environment.

23 D. Incorporated cities and towns may accept and disburse funds
24 derived from grants from the federal or state governments or from

1 private sources or from monies that may be appropriated from the
2 General Fund, for the installation and operation of a solid waste
3 management system, or any part thereof. A fee authorized pursuant
4 to subsection C of this section may be assessed on a per-
5 transaction, per-delivery, or other reasonable basis as determined
6 by the incorporated cities or towns and shall be in an amount
7 reasonably related to the costs incurred by the incorporated city or
8 town in collecting, managing, reducing, recycling, composting, or
9 otherwise mitigating municipal solid waste and associated
10 environmental or public health impacts.

11 E. Incorporated cities and towns are authorized to contract for
12 the purchase of land, facilities, vehicles, and machinery necessary
13 to the installation and operation of a solid waste management
14 system, either individually or as a party to a regional or county
15 solid waste authority.

16 F. The governing body of an incorporated city or town shall
17 have the right to establish policies for the operation of a solid
18 waste management system including hours of operation, character and
19 kinds of waste accepted at the disposal site, and such other rules
20 as may be necessary for the safety of the operating personnel. A
21 fee imposed pursuant to this section shall be deemed a regulatory
22 fee and shall not be considered a sales tax, use tax, excise tax, or
23 occupation tax. The governing body of an incorporated city or town
24 may provide by ordinance for exemptions, reductions, or credits from

1 a fee imposed pursuant to this section, including, but not limited
2 to, exemptions for governmental entities, nonprofit organizations,
3 medical or pharmaceutical deliveries, small businesses with minimum
4 sales thresholds, businesses in need of waivers to transition their
5 compliance, or programs serving low-income households.

6 G. Incorporated cities or towns shall permit landowners of
7 agricultural land located within the city or town boundaries to burn
8 debris originating from their property following a flood or other
9 natural disaster. The city or town may enact procedures to
10 determine the type of materials and locations appropriate for
11 burning and affected landowners shall comply with all local, state,
12 and federal laws regulating such burning.

13 H. All incorporated cities or towns are delegated the authority
14 necessary to fulfill the provisions of this section.

15 SECTION 2. AMENDATORY 27A O.S. 2021, Section 2-11-504,
16 is amended to read as follows:

17 Section 2-11-504. A. As used in this section, ~~"auxiliary~~
18 ~~container":~~

19 1. "Auxiliary container" means any bag, cup, package,
20 container, bottle, device or other packaging that is:

21 ~~1. Made~~

22 a. made of cloth, paper, plastic, including foamed or
23 expanded plastic, cardboard, corrugated material,
24 aluminum, glass, postconsumer recycled material, or

1 similar material including, but not limited to, coated
2 or laminated materials~~;~~ and

3 ~~2. Designed~~

4 b. designed for, but not limited to, consuming,
5 transporting, or protecting merchandise, food, or
6 beverages from, or at, a food service facility,
7 manufacturing, distribution, further processing, or
8 retail facility; and

9 2. "Plastic" means any material made of polymeric organic
10 compounds and additives that can be shaped by flow.

11 B. Except for subsection D of this section, no political
12 subdivision shall ~~restrict, tax, prohibit or regulate~~ the use,
13 disposition, or sale of auxiliary or plastic containers. Nothing in
14 this subsection shall be construed to preempt a political
15 subdivision from enacting and implementing ordinances, resolutions,
16 rules, fees, or regulations that are narrowly tailored to the
17 following:

18 1. Reducing plastic waste in landfills;

19 2. Promoting waste reduction;

20 3. Increasing recycling or composting efforts; and

21 4. Mitigating harmful impacts to water quality, soil, wildlife,
22 agriculture, and human health that are associated with auxiliary or
23 plastic container waste.

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C. Nothing in this section shall prohibit or limit any county or municipal ordinance or agreement regarding a recycling program or the disposal of solid waste.

D. Subsection B of this section shall not apply to the use of auxiliary or plastic containers on property owned by a county or municipality.

SECTION 3. This act shall become effective November 1, 2026.

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