

By: Fraser

S.B. No. 908

A BILL TO BE ENTITLED

AN ACT

relating to requirements for businesses that offer plastic checkout bags to customers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 5, Health and Safety Code, is amended by adding Chapter 376 to read as follows:

CHAPTER 376. PLASTIC CHECKOUT BAGS

Sec. 376.001. POLICY AND PURPOSE. The policy of this state and the purpose of this chapter are to encourage the recycling of plastic checkout bags and to require the applicable businesses to use checkout bags that are made of recyclable material and to offer reusable bags at a reasonable price.

Sec. 376.002. DEFINITIONS. In this chapter:

(1) "Business" means a commercial enterprise or establishment, including a sole proprietorship, joint venture, partnership, corporation, or other legally recognizable entity, whether for profit or not for profit, that:

(A) is a full-line, self-service retail store;

(B) has annual sales of \$5 million or more, not including sales of motor fuel as defined by Section 162.001, Tax Code;

(C) sells a line of dry grocery, canned goods, and at least some perishable food items; and

(D) has over 20,000 square feet of retail space.

1 (2) "Checkout bag" means a carryout bag that is
2 provided by a business to a customer at the point of sale. The term
3 does not include a reusable bag.

4 (3) "Commission" means the Texas Commission on
5 Environmental Quality.

6 (4) "Reusable bag" means a bag with handles that is
7 specifically designed and manufactured for multiple reuse and is
8 made of:

9 (A) cloth or other machine-washable fabric; or

10 (B) other durable material suitable for reuse,
11 including plastic that is at least 2.25 millimeters thick.

12 Sec. 376.003. APPLICABILITY. This chapter does not apply
13 to a business with fewer than 51 employees per business location.

14 Sec. 376.004. BUSINESS REQUIRED TO OFFER REUSABLE BAGS AT
15 REASONABLE PRICE. (a) A business that offers a plastic checkout
16 bag to a customer shall make reusable bags available for sale at a
17 reasonable price and shall display the reusable bags at or near the
18 point of sale or the entrance to the business.

19 (b) A business described by Subsection (a) shall provide
20 training to an employee whose position may include offering a
21 plastic checkout bag to a customer. The training shall include
22 efficient bagging techniques, offering the sale or distribution of
23 reusable bags, and other procedures intended to reduce the use of
24 plastic checkout bags.

25 Sec. 376.005. RECYCLING PROGRAM. (a) Except as provided
26 by Subsection (b), a business that offers a plastic checkout bag to
27 a customer shall establish a plastic checkout bag recycling program

1 that requires the business to:

2 (1) print or display in a highly visible manner on the
3 outside of a plastic checkout bag provided by the business the words
4 "Please Return to a Participating Business for Recycling" or a
5 similar message to encourage recycling of the bag;

6 (2) place in a visible, easily accessible location at
7 or near the entrance of the business a plastic checkout bag
8 collection bin clearly marked with information stating that the bin
9 is for the purpose of collecting and recycling plastic checkout
10 bags;

11 (3) maintain a record describing the collection,
12 transport, and recycling of plastic checkout bags under the program
13 established under this section until at least the second
14 anniversary of the date the record is made; and

15 (4) make the record available to the commission on
16 request.

17 (b) A business is exempt from establishing a plastic
18 checkout bag recycling program as required by Subsection (a) if:

19 (1) there is no public recycling program that accepts
20 plastic checkout bags in the county in which the business is
21 located; and

22 (2) a private recycling service that accepts plastic
23 checkout bags is not available to the business at a reasonable cost.

24 Sec. 376.006. RULES. The commission shall adopt rules to
25 implement this chapter.

26 Sec. 376.007. PREEMPTION OF LOCAL ORDINANCE. This chapter
27 preempts a local ordinance or rule to the extent of any conflict

1 with this chapter.

2 SECTION 2. This Act takes effect January 1, 2012.