By: Rinaldi H.B. No. 1939

A BILL TO BE ENTITLED

AN ACT

relating to the provision of bags to customers of a business at the point of sale.

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

SECTION 1. Title 6, Business & Commerce Code, is amended by adding Chapter 205 to read as follows:

CHAPTER 205. RIGHT OF BUSINESS TO PROVIDE BAG TO CUSTOMER

Sec. 205.001. PROVISION OF BAG AUTHORIZED. A business that sells an item to a customer may provide to the customer at the point of sale a bag or other container made from any material.

Sec. 205.002. REGULATIONS INVALID. An ordinance or regulation adopted by a municipality purporting to restrict or prohibit a business from, require a business to charge a customer for, or tax or impose penalties on a business for providing to a customer at the point of sale a bag or other container made from any material is invalid and has no effect.

SECTION 2. Sections 361.0961(a) and (c), Health and Safety Code, are amended to read as follows:

(a) A local government or other political subdivision may not adopt an ordinance, rule, or regulation to:

(1) prohibit or restrict, for solid waste management purposes, the sale or use of a container or package, including a bag provided by a business to a customer, in a manner not authorized by state law;
(2) prohibit or restrict the processing of solid waste by a solid waste facility, except for a solid waste facility owned by the local government, permitted by the commission for that purpose in a manner not authorized by state law; or

(3) assess a fee or deposit on the sale or use of a container or package, including a bag provided by a business to a customer.

(c) This section does not limit the authority of a local government to enact zoning ordinances, except that a zoning ordinance enacted by a local government may not prohibit, restrict, or assess a fee or deposit on the use or provision by a business of a bag to a customer at the point of sale.

SECTION 3. Beginning September 1, 2015, a municipality may not enforce any ordinance or regulation adopted by the municipality before that date that prohibits or restricts a business from providing to a customer at the point of sale a bag or other container made from any material.

SECTION 4. This Act takes effect September 1, 2015.