

## **BILL ANALYSIS**

Senate Research Center  
85R753 ATP-D

S.B. 103  
By: Hall  
Business & Commerce  
2/13/2017  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Despite common misconceptions, plastic bags are actually the most environmentally friendly option for transporting groceries. Plastic bags are 100 percent recyclable, and studies show that banning plastic bags forces consumers to use resource-heavy alternatives, such as paper and reusable bags.

Recent studies demonstrate that taxes and bans on plastic bags have not prevented litter or kept plastic waste out of landfills. A study by Keep America Beautiful found that plastic bags comprise the smallest percentage of trash found in landfills. Items such as cigarette butts, food wrappers, cups, and cans constitute about 95 percent of all litter in the highly urbanized areas of the world.

A 2011 United Kingdom Environment Agency study found that the average shopper would have to reuse the same reusable bag an average of 314 times before it had less environmental impact than the plastic bag needed to carry the same groceries.

Research has shown that using paper products is far worse than using plastic products. For instance, workers were still able to read newspapers from the 1960s that were excavated from landfills.

S.B. 103 would authorize businesses in Texas to freely provide customers a bag or other container made from any material, without penalty. This bill would also render previous ordinances or regulations adopted by municipalities restricting the free distribution of bags invalid, and nullify any charge, tax, or penalties for providing bags to customers.

S.B. 103 would not limit the authority of a local government except when enacting a prohibition, restriction, or assessing a fee on the use of bags provided at the point of sale. Rather, this bill would eliminate an unduly restrictive regulation and put Texas more in line with accurate scientific research finding that plastic bags are more environmentally friendly than some other types of bags such as paper.

As proposed, S.B. 103 amends current law relating to the provision of bags to customers of a business at the point of sale.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Title 6, Business & Commerce Code, by adding Chapter 205, as follows:

#### CHAPTER 205. RIGHT OF BUSINESS TO PROVIDE BAG TO CUSTOMER

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

Sec. 205.002. REGULATIONS INVALID. Prohibits a municipality from adopting or enforcing an ordinance or regulation that purports 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.

SECTION 2. Amends Sections 361.0961(a) and (c), Health and Safety Code, as follows:

(a) Prohibits a local government or other political subdivision from adopting or enforcing an ordinance, rule, or regulation to prohibit, or restrict or 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) Provides that this section does not limit the authority of a local government to enact zoning ordinances other than a zoning ordinance that prohibits, restricts, or assesses a fee or deposit on the use or provision by a business of a bag to a customer at the point of sale, rather than providing that this subsection does not limit the authority of a local government to enact zoning ordinances.

SECTION 3. Effective date: September 1, 2017.