

By: Hall

S.B. No. 103

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. A municipality may not adopt or enforce 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. 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 or enforce 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;

1 (2) prohibit or restrict the processing of solid waste
2 by a solid waste facility, except for a solid waste facility owned
3 by the local government, permitted by the commission for that
4 purpose in a manner not authorized by state law; or

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

8 (c) This section does not limit the authority of a local
9 government to enact zoning ordinances other than a zoning ordinance
10 that prohibits, restricts, or assesses a fee or deposit on the use
11 or provision by a business of a bag to a customer at the point of
12 sale.

13 SECTION 3. This Act takes effect September 1, 2017.