By:  Taylor S.B. No. 2308

A BILL TO BE ENTITLED

AN ACT

relating to a study by the comptroller on the feasibility and desirability of implementing a recycling program that collects fees and issues rebates for certain materials.

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

SECTION 1.  (a)  In this section:

(1)  "Beverage container" means a plastic vessel that:

(A)  is made of polyethylene terephthalate and has the plastic resin symbol 1 as described by Section 369.002(d);

(B)  is hermetically sealed or capped; and

(C)  contains a beverage at the time it is sold or offered for sale.

(2)  "Comptroller" means the comptroller of public accounts.

(3)  "Processor" means an entity that sells beverage containers, single-use bags, single-use cups, or other material to a recycler, material recovery facility, or baling center.

(4)  "Rebate center" means an operation that accepts beverage containers, single-use bags, single-use cups, or other material and issues a cash rebate or a redeemable credit slip with a value not less than the material's rebate value.

(5)  "Retailer" means a person who sells or provides to a consumer a beverage container, single-use bag, or single-use cup. The term includes the owner or operator of a beverage vending machine.

(6)  "Single-use cup" means a cup made of plastic, including polystyrene, paper, or laminate material used to contain a beverage purchased from a retailer.

(7)  "Single-use bag" means a bag provided by a business establishment to a consumer at the point of sale for the purpose of transporting a purchase. The term does not include a carry out bag that:

(A)  is specifically designed and manufactured to be used multiple times;

(B)  displays highly visible language on the exterior of bag describing the bag's ability to be reused and recycled;

(C)  has a handle; and

(D)  is constructed out of:

(i)  cloth or other durable materials whether woven or non-woven;

(ii)  recyclable plastic with a minimum thickness of 4 millimeters; or

(iii)  recyclable paper.

(b)  The comptroller shall conduct a study to determine the feasibility and desirability of implementing a recycling program in which:

(1)  a retailer collects from a consumer a fee for each beverage container, single-use bag, or single-use cup the retailer sells or distributes to the consumer;

(2)  a retailer remits a fee collected from a consumer to the comptroller;

(3)  an individual may return a beverage container, single-use bag, single-use cup, or other material to a rebate center and receive a refund for the material;

(4)  a rebate center is reimbursed by the comptroller for rebates paid; and

(5)  a handling fee is paid by the comptroller to a processor of recyclable material.

(c)  The study must evaluate:

(1)  the effect that different purchase fees, reimbursement rates, and processing fees would have on the effectiveness of the program;

(2)  the effect or desirability of the program providing fee payment exemptions to certain consumers, including consumers who receive assistance from:

(A)  the supplemental nutrition assistance program established under Chapter 33, Human Resources Code;

(B)  the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786; or

(C)  another food assistance program recognized by the comptroller;

(3)  the effect of the program providing for the suspension of collection of a fee during a state of disaster declared by:

(A)  the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.);

(B)  the governor under Section 418.014, Government Code; or

(4)  appropriate standards and criteria for the establishment of rebate centers;

(5)  who would best admister the program, including administration by a non-governmental organization;

(6)  whether the fees generated under the program would be sufficient to fund other programs, including:

(A)  grants for litter and illegal dumping abatement and enforcement programs;

(B)  flood prevention, mitigation, or recovery programs;

(C)  providing matching funds required under the Hazard Mitigation Assistance Grant Program administered by the Federal Emergency Management Agency; or

(D)  providing matching funds require in a Project Partnership Agreement with the United States Army Corps of Engineers.

(c)  In conducting the study the comptroller shall consult with stakeholders, including:

(1)  producers of beverage containers, single-use bags, and single-use cups;

(2)  retailers who sell beverage containers;

(3)  retailers who use single-use bags and single-use cups;

(4)  processors of beverage containers, film plastic, and single-use cups;

(5)  recyclers of beverage containers, plastic film, and single-use cups;

(6)  representatives of the packaging industry utilizing eligible material as recycled content;

(7)  representatives of a statewide organization focused on floating litter prevention, mitigation, and abatement; and

(8)  representatives of county law enforcement.

(d)  Not later than December 1, 2020, the comptroller shall deliver a report to the lieutenant governor, the speaker of the house of representatives, and the committee in each house of the legislature that has primary jurisdiction over environmental matters about the results of the study.

(e)  This Act expires January 1, 2021.

SECTION 2.  This Act takes effect September 1, 2019.