

By: Hinojosa

H.B. No. 856

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to local government prohibitions or restrictions on the  
3 sale or use of a container or package.

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

5 SECTION 1. Section 361.0961(a), Health and Safety Code, is  
6 amended to read as follows:

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

9 (1) ~~[prohibit or restrict, for solid waste management~~  
10 ~~purposes, the sale or use of a container or package in a manner not~~  
11 ~~authorized by state law,~~

12 [~~2~~] prohibit or restrict the processing of solid  
13 waste by a solid waste facility, except for a solid waste facility  
14 owned by the local government, permitted by the commission for that  
15 purpose in a manner not authorized by state law; or

16 (2) (3) [~~3~~] assess a fee or deposit on the sale or use of  
17 a container or package.

18 SECTION 2. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2019.