

By: Zaffirini

S.B. No. 816

A BILL TO BE ENTITLED

AN ACT

relating to the regulation by certain municipalities of disposable plastic bag use.

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

SECTION 1. Chapter 551, Local Government Code, is amended by adding Section 551.008 to read as follows:

Sec. 551.008. REGULATION OF DISPOSABLE PLASTIC BAG USE IN CERTAIN MUNICIPALITIES. (a) Notwithstanding Section 361.0961(a)(1), Health and Safety Code, a municipality with a population of less than 300,000 that holds a Phase I municipal separate storm sewer system permit from the Texas Commission on Environmental Quality may adopt an ordinance prohibiting or restricting the use of disposable plastic bags if:

(1) the municipality, through its environmental services department if applicable, issues a report on the proposed ordinance's potential effects, including on the municipality's storm sewer system;

(2) the findings of the report are presented at a public hearing on the adoption of the proposed ordinance; and

(3) the municipality publishes on its Internet website for reference by the public and other municipalities:

(A) the report; and

(B) periodic updates to the report with data and other findings regarding the actual effects of the ordinance.

- 1 (b) An ordinance adopted under this section:
2 (1) may not include a new tax or fee related to the use
3 of disposable plastic bags;
4 (2) may not be effective for a period longer than three
5 years; and
6 (3) may be readopted if the requirements of this
7 section are met.

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