

By: Taylor

S.B. No. 2308

A BILL TO BE ENTITLED

1 AN ACT

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

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

6 SECTION 1. (a) In this section:

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

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

10 (B) is hermetically sealed or capped; and

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

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

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

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

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

1 machine.

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

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

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

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

14 (C) has a handle; and

15 (D) is constructed out of:

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

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

20 (iii) recyclable paper.

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

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

27 (2) a retailer remits a fee collected from a consumer

1 to the comptroller;

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

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

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

9 (c) The study must evaluate:

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

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

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

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

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

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

26 (A) the president of the United States under the
27 Robert T. Stafford Disaster Relief and Emergency Assistance Act (42

1 U.S.C. Section 5121 et seq.);

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

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

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

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

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

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

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

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

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

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

24 (2) retailers who sell beverage containers;

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

27 (4) processors of beverage containers, film plastic,

1 and single-use cups;

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

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

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

9 (8) representatives of county law enforcement.

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

15 (e) This Act expires January 1, 2021.

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