

By: Rinaldi

H.B. No. 1939

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. An ordinance or regulation adopted by a municipality purporting 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 is invalid and has no effect.

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 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, except that a zoning
10 ordinance enacted by a local government may not prohibit, restrict,
11 or assess a fee or deposit on the use or provision by a business of a
12 bag to a customer at the point of sale.

13 SECTION 3. Beginning September 1, 2015, a municipality may
14 not enforce any ordinance or regulation adopted by the municipality
15 before that date that prohibits or restricts a business from
16 providing to a customer at the point of sale a bag or other
17 container made from any material.

18 SECTION 4. This Act takes effect September 1, 2015.