

BILL ANALYSIS

Senate Research Center

S.B. 908
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Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Plastic grocery bags are becoming a large part of Texas' waste and litter. While many stores and municipalities have independently tried to address the issue by entering into campaigns aimed at reducing the amount of plastic bags entering the stream of commerce, there is currently no uniform statewide policy designed to reduce the number of plastic grocery bags.

S.B. 908 requires large businesses to sell reusable carryout bags at a reasonable price, to provide employee training regarding reusable bags, to maintain a recycling program for plastic bags, and to maintain records of the amount of bags recycled by the business.

As proposed, S.B. 908 amends current law relating to requirements for businesses that offer plastic checkout bags to customers.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 (Section 376.006, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle B, Title 5, Health and Safety Code, by adding Chapter 376, as follows:

CHAPTER 376. PLASTIC CHECKOUT BAGS

Sec. 376.001. **POLICY AND PURPOSE.** Provides that the policy of this state and the purpose of this chapter are to encourage the recycling of plastic checkout bags and to require the applicable businesses to use checkout bags that are made of recyclable material and to offer reusable bags at a reasonable price.

Sec. 376.002. **DEFINITIONS.** Defines "business," "checkout bag," "commission," and "reusable bag" in this section.

Sec. 376.003. **APPLICABILITY.** Provides that this chapter does not apply to a business with fewer than 51 employees per business location.

Sec. 376.004. **BUSINESS REQUIRED TO OFFER REUSABLE BAGS AT REASONABLE PRICE.** (a) Requires a business that offers a plastic checkout bag to a customer to make reusable bags available for sale at a reasonable price and display the reusable bags at or near the point of sale or the entrance to the business.

(b) Requires a business described by Subsection (a) to provide training to an employee whose position may include offering a plastic checkout bag to a customer. Requires the training to include efficient bagging techniques, offering the sale or distribution of reusable bags, and other procedures intended to reduce the use of plastic checkout bags.

Sec. 376.005. RECYCLING PROGRAM. (a) Requires a business that offers a plastic checkout bag to a customer, except as provided by Subsection (b), to establish a plastic checkout bag recycling program that requires the business to:

(1) print or display in a highly visible manner on the outside of a plastic checkout bag provided by the business the words "Please Return to a Participating Business for Recycling" or a similar message to encourage recycling of the bag;

(2) place in a visible, easily accessible location at or near the entrance of the business a plastic checkout bag collection bin clearly marked with information stating that the bin is for the purpose of collecting and recycling plastic checkout bags;

(3) maintain a record describing the collection, transport, and recycling of plastic checkout bags under the program established under this section until at least the second anniversary of the date the record is made; and

(4) make the record available to the Texas Commission on Environmental Quality (TCEQ) on request.

(b) Provides that a business is exempt from establishing a plastic checkout bag recycling program as required by Subsection (a) if there is no public recycling program that accepts plastic checkout bags in the county in which the business is located, and a private recycling service that accepts plastic checkout bags is not available to the business at a reasonable cost.

Sec. 376.006. RULES. Requires TCEQ to adopt rules to implement this chapter.

Sec. 376.007. PREEMPTION OF LOCAL ORDINANCE. Provides that this chapter preempts a local ordinance or rule to the extent of any conflict with this chapter.

SECTION 2. Effective date: January 1, 2012.