

BILL ANALYSIS

H.B. 4584
By: Hefner
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that theft of returnable containers is a significant and growing problem for industries that rely on such containers for product delivery and that the costs associated with such theft are ultimately passed along to end consumers. Concerns have been raised that certain protections in state law are limited to certain plastic bulk merchandise containers, and it has been suggested that such protections be expanded to encompass other returnable containers. H.B. 4584 seeks to address these concerns by setting out provisions relating to the sale of returnable containers.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 4584 amends the Business & Commerce Code to make statutory provisions relating to the sale of a plastic bulk merchandise container applicable instead to the sale of a returnable container, defined by the bill as a device made of any material that is used to hold, contain, or convert goods into a package and is suitable for repeated use. The bill specifies that a returnable container includes baskets, trays, or other containers used by a product producer, distributor, or retailer for the transportation or storage of goods. The bill creates a Class C misdemeanor offense for a person in the business of recycling, shredding, or destroying returnable containers who violates provisions relating to the sale of returnable containers as amended by the bill.

EFFECTIVE DATE

September 1, 2019.