

By: Ordaz, Button, King of Hemphill, Burrows,  
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H.B. No. 2194

A BILL TO BE ENTITLED

AN ACT

relating to establishing a "Made in Texas" labeling program;  
authorizing a civil penalty.

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

SECTION 1. Subtitle F, Title 4, Government Code, is amended  
by adding Chapter 490D to read as follows:

CHAPTER 490D. "MADE IN TEXAS" LABELING PROGRAM

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 490D.001. DEFINITIONS. In this chapter:

(1) "Office" means the Texas Economic Development and  
Tourism Office.

(2) "Program" means the "Made in Texas" labeling  
program established under this chapter.

SUBCHAPTER B. "MADE IN TEXAS" LABELING PROGRAM

Sec. 490D.051. ESTABLISHMENT OF "MADE IN TEXAS" LABELING  
PROGRAM. (a) The office shall establish and administer a "Made in  
Texas" labeling program.

(b) In establishing the program, the office by rule shall:

(1) establish criteria for determining whether a  
person may sell, advertise, or offer for sale in this state a  
product that uses "Made in Texas" or equivalent phrasing to  
represent that the product was made in whole or in substantial part  
in this state; and

(2) design and administer the use of a logo for

1 products to be labeled as "Made in Texas" and adopt an application  
2 process for authorizing use of the logo.

3 (c) The criteria established under Subsection (b)(1) must  
4 include a requirement that all or virtually all significant parts  
5 and processing of a product originated in this state.

6 Sec. 490D.052. EXEMPT PRODUCTS. This chapter does not  
7 apply to or authorize the office to adopt rules governing the  
8 labeling of wine.

9 SUBCHAPTER C. ENFORCEMENT

10 Sec. 490D.101. VIOLATION. A person violates this chapter  
11 if the person:

12 (1) uses, reproduces, or distributes the logo designed  
13 by the office under Section 490D.051(b)(2) without the consent of  
14 the office; or

15 (2) violates a rule adopted by the office under  
16 Section 490D.051(b).

17 Sec. 490D.102. OPPORTUNITY TO CURE. If the attorney  
18 general has reason to believe a person has violated Section  
19 490D.101, the attorney general shall provide written notice to the  
20 person that:

21 (1) describes the person's violation;

22 (2) states that the person may be liable for a civil  
23 penalty if the person does not cure the violation before the 30th  
24 day after the date the person receives the notice; and

25 (3) includes the maximum potential civil penalty that  
26 may be imposed for the violation.

27 Sec. 490D.103. CIVIL PENALTY; INJUNCTIVE RELIEF. (a) A

1 person who violates Section 490D.101 following a cure period  
2 described by Section 490D.102 is liable to this state for a civil  
3 penalty not to exceed \$1,000 for each violation.

4 (b) The attorney general may bring an action in the name of  
5 the state to:

6 (1) recover a civil penalty under this section; or  
7 (2) restrain or enjoin the person from violating  
8 Section 490D.101.

9 (c) The action may be brought in a district court in:

10 (1) Travis County; or  
11 (2) a county in which any part of the violation or  
12 threatened violation occurs.

13 (d) A civil penalty collected under this section shall be  
14 deposited in the state treasury to the credit of the general revenue  
15 fund.

16 Sec. 490D.104. AMOUNT OF CIVIL PENALTY. (a) Each day that  
17 a violation continues may be considered a separate violation for  
18 purposes of a civil penalty under this subchapter.

19 (b) The amount of a civil penalty must be based on:

20 (1) the seriousness of the violation, including the  
21 nature, circumstances, extent, and gravity of the violation;

22 (2) the history of previous violations;

23 (3) the amount necessary to deter a future violation;

24 (4) efforts by the person to correct the violation;

25 and

26 (5) any other matter that justice may require.

27 SECTION 2. This Act takes effect September 1, 2023.