

By: Slaton

H.B. No. 4676

A BILL TO BE ENTITLED

AN ACT

relating to exempting the intrastate manufacture of certain consumer products from federal energy conservation regulation.

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

SECTION 1. Title 99, Business & Commerce Code, is amended by adding Chapter 2003 to read as follows:

CHAPTER 2003. ENERGY CONSERVATION STANDARDS FOR CERTAIN CONSUMER PRODUCTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2003.001. DEFINITIONS. In this chapter:

(1) "Consumer product" means any article, other than a motor vehicle:

(A) of a type:

(i) which in operation consumes, or is designed to consume, energy or, with respect to showerheads, faucets, water closets, and urinals, water; and

(ii) which, to any significant extent, is distributed in commerce for personal use or consumption by individuals; and

(B) without regard to whether the article is in fact distributed in commerce for personal use or consumption by an individual, except the term includes fluorescent lamp ballasts, general service fluorescent lamps, incandescent reflector lamps, showerheads, faucets, water closets, and urinals distributed in

1 commerce for personal or commercial use or consumption.

2 (2) "Generic and insignificant part" includes a
3 spring, screw, nut, and pin.

4 (3) "Motor vehicle" has the meaning assigned by
5 Section 502.001, Transportation Code.

6 SUBCHAPTER B. INTRASTATE MANUFACTURE OF CONSUMER PRODUCTS

7 Sec. 2003.051. MEANING OF "MANUFACTURED IN THIS STATE."

8 For the purposes of this subchapter, a consumer product is
9 manufactured in this state if the product is manufactured:

10 (1) from materials located in this state; and

11 (2) without the inclusion of any part imported from
12 another state other than a generic and insignificant part.

13 Sec. 2003.052. NOT SUBJECT TO FEDERAL ENERGY CONSERVATION
14 STANDARDS. A consumer product that is manufactured in this state
15 and remains in this state is not subject to federal law or federal
16 regulation prescribing energy conservation standards.

17 Sec. 2003.053. MARKETING OF CONSUMER PRODUCTS. A consumer
18 product manufactured and sold in this state must have the words
19 "Made in Texas" clearly labeled on the product.

20 SUBCHAPTER C. ENFORCEMENT OF CERTAIN FEDERAL ENERGY CONSERVATION

21 LAWS PROHIBITED

22 Sec. 2003.101. APPLICABILITY. This subchapter applies to:

23 (1) the State of Texas, including an agency,
24 department, commission, bureau, board, office, council, court, or
25 other entity that is in any branch of state government and that is
26 created by the constitution or a statute of this state, including a
27 university system or a system of higher education;

1 (2) the governing body of a municipality, county, or
2 special district or authority;

3 (3) an officer, employee, or other body that is part of
4 a municipality, county, or special district or authority, including
5 a sheriff, municipal police department, municipal attorney, or
6 county attorney; and

7 (4) a district attorney or criminal district attorney.

8 Sec. 2003.102. STATE AND LOCAL GOVERNMENT POLICY REGARDING
9 ENFORCEMENT OF AND COMPLIANCE WITH FEDERAL ENERGY CONSERVATION
10 LAWS. (a) An entity described by Section 2003.101 may not adopt a
11 rule, order, ordinance, or policy under which the entity enforces,
12 or by consistent action allows the enforcement of, a federal
13 statute, order, rule, or regulation that purports to regulate
14 energy conservation standards applicable to consumer products if
15 the statute, order, rule, or regulation imposes a prohibition,
16 restriction, or other regulation that does not exist under the laws
17 of this state.

18 (b) No entity described by Section 2003.101 and no person
19 employed by or otherwise under the direction or control of the
20 entity may:

21 (1) enforce or attempt to enforce any federal statute,
22 order, rule, or regulation described by Subsection (a); or

23 (2) be required to comply with a federal statute,
24 order, rule, regulation, or court order that compels compliance
25 with a federal statute, order, rule, or regulation described by
26 Subsection (a).

27 Sec. 2003.103. STATE GRANT FUNDS. (a) An entity described

1 by Section 2003.101 may not receive state grant funds if the entity
2 adopts a rule, order, ordinance, or policy under which the entity
3 enforces a federal law described by Section 2003.102(a) or, by
4 consistent action, allows the enforcement of a federal law
5 described by Section 2003.102(a).

6 (b) State grant funds for the entity shall be denied for the
7 fiscal year following the year in which a final judicial
8 determination in an action brought under this subchapter is made
9 that the entity has violated Section 2003.102(a).

10 Sec. 2003.104. ENFORCEMENT. (a) Any citizen residing in
11 the jurisdiction of an entity described by Section 2003.101 may
12 file a complaint with the attorney general if the citizen offers
13 evidence to support an allegation that the entity has adopted a
14 rule, order, ordinance, or policy under which the entity enforces a
15 federal law described by Section 2003.102(a) or that the entity, by
16 consistent action, allows the enforcement of a federal law
17 described by Section 2003.102(a). The citizen must include with
18 the complaint any evidence the citizen has in support of the
19 complaint.

20 (b) If the attorney general determines that a complaint
21 filed under Subsection (a) against an entity described by Section
22 2003.101 is valid, to compel the entity's compliance with this
23 subchapter the attorney general may file a petition for a writ of
24 mandamus or apply for other appropriate equitable relief in a
25 district court in Travis County or in a county in which the
26 principal office of the entity is located. The attorney general may
27 recover reasonable expenses incurred obtaining relief under this

1 subsection, including court costs, reasonable attorney's fees,
2 investigative costs, witness fees, and deposition costs.

3 (c) An appeal of a suit brought under Subsection (b) is
4 governed by the procedures for accelerated appeals in civil cases
5 under the Texas Rules of Appellate Procedure. The appellate court
6 shall render its final order or judgment with the least possible
7 delay.

8 SECTION 2. Chapter 2003, Business & Commerce Code, as added
9 by this Act, applies only to a consumer product, as that term is
10 defined by Section 2003.001, Business & Commerce Code, as added by
11 this Act, that is manufactured on or after the effective date of
12 this Act.

13 SECTION 3. This Act takes effect September 1, 2023.