

AN ACT

relating to water and energy saving performance standards for commercial prerinse spray valves.

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

SECTION 1. Section 372.001, Health and Safety Code, is amended by adding Subdivision (5) to read as follows:

(5) "Commercial prerinse spray valve" means a handheld device that is designed and marketed for use with commercial dishwashing and ware washing equipment and that is used to spray water on dishes, flatware, and other food service items to remove food residue before the items are cleaned in a dishwasher or ware washer or by hand.

SECTION 2. Chapter 372, Health and Safety Code, is amended by adding Section 372.005 to read as follows:

Sec. 372.005. COMMERCIAL PRERINSE SPRAY VALVE PERFORMANCE STANDARDS. (a) A person may not sell, offer for sale, distribute, lease, or import into this state a commercial prerinse spray valve for use in this state unless the prerinse spray valve:

(1) has a flow rate of 1.6 gallons of water per minute or less, as determined using the standard test method for prerinse spray valves developed by the American Society for Testing and Materials as specified in ASTM F2324-03 as that method existed on January 1, 2006; and

(2) is listed by the commission under Subsection (b).

1 (b) The commission shall make and maintain a current list of
2 commercial prerinse spray valves that are certified to the
3 commission by the manufacturer or importer to meet the performance
4 standards provided by Subsection (a)(1). To have a commercial
5 prerinse spray valve included on the list, the manufacturer or
6 importer must supply to the commission, in the form prescribed by
7 the commission, the identification and the performance
8 specifications of the prerinse spray valve. The commission may
9 test a listed commercial prerinse spray valve to determine the
10 accuracy of the manufacturer's or importer's certification and
11 shall remove from the list a prerinse spray valve the commission
12 determines to be inaccurately certified.

13 (c) The commission may assess against a manufacturer or an
14 importer a reasonable fee for an inspection of a commercial
15 prerinse spray valve to determine the accuracy of the
16 manufacturer's or importer's certification in an amount determined
17 by the commission to cover the expenses incurred in the
18 administration of this chapter. A fee received by the commission
19 under this subsection shall be deposited in the state treasury to
20 the credit of the water resource management account. Fees deposited
21 under this section may be appropriated only for the administration
22 of this chapter.

23 SECTION 3. Section 372.005, Health and Safety Code, as
24 added by this Act, does not apply to a commercial prerinse spray
25 valve that:

26 (1) as of January 1, 2006:

27 (A) is in the inventory of a commercial prerinse

1 spray valve retailer, distributor, lessor, or importer; or

2 (B) has been ordered by a commercial prerinse
3 spray valve retailer, distributor, lessor, or importer and is
4 delivered before February 1, 2006; and

5 (2) is sold before September 1, 2006.

6 SECTION 4. This Act takes effect January 1, 2006.

President of the Senate

Speaker of the House

I certify that H.B. No. 2428 was passed by the House on April 22, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 2428 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor