

1-1 By: Puentes (Senate Sponsor - Armbrister) H.B. No. 2428  
1-2 (In the Senate - Received from the House April 25, 2005;  
1-3 April 26, 2005, read first time and referred to Committee on  
1-4 Natural Resources; May 17, 2005, reported favorably by the  
1-5 following vote: Yeas 10, Nays 0; May 17, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to water and energy saving performance standards for  
1-9 commercial prerinse spray valves.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 372.001, Health and Safety Code, is  
1-12 amended by adding Subdivision (5) to read as follows:

1-13 (5) "Commercial prerinse spray valve" means a handheld  
1-14 device that is designed and marketed for use with commercial  
1-15 dishwashing and ware washing equipment and that is used to spray  
1-16 water on dishes, flatware, and other food service items to remove  
1-17 food residue before the items are cleaned in a dishwasher or ware  
1-18 washer or by hand.

1-19 SECTION 2. Chapter 372, Health and Safety Code, is amended  
1-20 by adding Section 372.005 to read as follows:

1-21 Sec. 372.005. COMMERCIAL PRERINSE SPRAY VALVE PERFORMANCE  
1-22 STANDARDS. (a) A person may not sell, offer for sale, distribute,  
1-23 lease, or import into this state a commercial prerinse spray valve  
1-24 for use in this state unless the prerinse spray valve:

1-25 (1) has a flow rate of 1.6 gallons of water per minute  
1-26 or less, as determined using the standard test method for prerinse  
1-27 spray valves developed by the American Society for Testing and  
1-28 Materials as specified in ASTM F2324-03 as that method existed on  
1-29 January 1, 2006; and

1-30 (2) is listed by the commission under Subsection (b).

1-31 (b) The commission shall make and maintain a current list of  
1-32 commercial prerinse spray valves that are certified to the  
1-33 commission by the manufacturer or importer to meet the performance  
1-34 standards provided by Subsection (a)(1). To have a commercial  
1-35 prerinse spray valve included on the list, the manufacturer or  
1-36 importer must supply to the commission, in the form prescribed by  
1-37 the commission, the identification and the performance  
1-38 specifications of the prerinse spray valve. The commission may  
1-39 test a listed commercial prerinse spray valve to determine the  
1-40 accuracy of the manufacturer's or importer's certification and  
1-41 shall remove from the list a prerinse spray valve the commission  
1-42 determines to be inaccurately certified.

1-43 (c) The commission may assess against a manufacturer or an  
1-44 importer a reasonable fee for an inspection of a commercial  
1-45 prerinse spray valve to determine the accuracy of the  
1-46 manufacturer's or importer's certification in an amount determined  
1-47 by the commission to cover the expenses incurred in the  
1-48 administration of this chapter. A fee received by the commission  
1-49 under this subsection shall be deposited in the state treasury to  
1-50 the credit of the water resource management account. Fees deposited  
1-51 under this section may be appropriated only for the administration  
1-52 of this chapter.

1-53 SECTION 3. Section 372.005, Health and Safety Code, as  
1-54 added by this Act, does not apply to a commercial prerinse spray  
1-55 valve that:

1-56 (1) as of January 1, 2006:

1-57 (A) is in the inventory of a commercial prerinse  
1-58 spray valve retailer, distributor, lessor, or importer; or

1-59 (B) has been ordered by a commercial prerinse  
1-60 spray valve retailer, distributor, lessor, or importer and is  
1-61 delivered before February 1, 2006; and

1-62 (2) is sold before September 1, 2006.

1-63 SECTION 4. This Act takes effect January 1, 2006.

