

## **BILL ANALYSIS**

H.B. 2391  
By: Bohac  
Business & Industry  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties contend that current law does not entitle a consumer to receive a cash refund on a low-value gift card in the consumer's possession and that stored value or gift cards with nominal balances often go unused or are lost. The parties also note that these low-value cards can create a burden for retailers needing to track the cards for auditing purposes. H.B. 2391 seeks to address this issue by balancing the rights of the consumer and the retailer in a commonsense manner.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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. 2391 amends the Business & Commerce Code to require the seller of a stored value card, at a consumer's request, to refund in cash to the consumer the balance of a card that is redeemed in person to make a purchase and has a remaining balance of less than \$2.50 following redemption. The bill does not apply to a stored value card issued as a refund for merchandise returned without a receipt or a stored value card that has an initial value of \$5 or less and to which additional value cannot be added. The bill makes the exemption from statutory provisions governing the sale or issuance of a stored value card for a card that is sold below face value or donated to certain entities or a card that does not expire and for which the seller does not charge a fee other than a fee related to the issuance and handling of the card inapplicable to the bill's cash refund requirement but maintains the exemption for certain other stored value cards.

### **EFFECTIVE DATE**

September 1, 2015.