

By: Burrows

H.B. No. 338

Substitute the following for H.B. No. 338:

By: King of Uvalde

C.S.H.B. No. 338

A BILL TO BE ENTITLED

AN ACT

relating to acreage contracts and quantity contracts for the purchase of agricultural products.

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

SECTION 1. This Act may be cited as the Producer Protection Act.

SECTION 2. Subtitle D, Title 5, Agriculture Code, is amended by adding Chapter 104 to read as follows:

CHAPTER 104. ACREAGE CONTRACTS AND QUANTITY CONTRACTS

Sec. 104.001. DEFINITIONS. In this chapter:

(1) "Acreage contract" means a contract that requires a producer to deliver to a purchaser all of the production of a specified agricultural product grown on land described in the contract, unless clearly and conspicuously stated otherwise in the contract's language. The term does not include a contract that requires a producer to deliver a specified quantity of an agricultural product.

(2) "Producer" means a person who produces an agricultural product and sells the product under an acreage contract or a quantity contract.

(3) "Purchaser" means a person who purchases an agricultural product under an acreage contract or a quantity contract.

(4) "Quantity contract" means a contract that requires

1 a producer to deliver to a purchaser a specified quantity of an  
2 agricultural product, regardless of the amount of the product grown  
3 by the producer.

4 Sec. 104.002. CONTRACT TYPE DISCLOSURE. A contract between  
5 a producer and a purchaser regarding an agricultural product must  
6 clearly and conspicuously state on its face that it is an acreage  
7 contract or a quantity contract, as applicable.

8 Sec. 104.003. SUIT BY PURCHASER UNDER ACREAGE CONTRACT. A  
9 purchaser may not file suit against a producer under an acreage  
10 contract unless the producer knowingly fails to deliver to the  
11 purchaser all of an agricultural product grown on specified land as  
12 provided by the acreage contract.

13 SECTION 3. Chapter 104, Agriculture Code, as added by this  
14 Act, applies only to a contract executed on or after the effective  
15 date of this Act. A contract executed before the effective date of  
16 this Act is governed by the law in effect when the contract was  
17 executed, and the former law is continued in effect for that  
18 purpose.

19 SECTION 4. This Act takes effect September 1, 2017.