

BILL ANALYSIS

C.S.H.B. 1826
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Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that current state protections against price gouging may be insufficient to protect consumers from exorbitantly high prices on certain consumer goods during a state of disaster. For example, throughout the COVID-19 pandemic, there have been concerns regarding the sale of disinfectant cleaning supplies and personal protective equipment at extraordinarily high prices that in some cases have made these essential items inaccessible to Texas families. C.S.H.B. 1826 seeks to address these concerns and prohibit the sale or lease of these supplies and equipment at exorbitant or excessive prices during a declared disaster.

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

C.S.H.B. 1826 amends the Business & Commerce Code to classify taking advantage of a declared disaster by engaging in either of the following acts as an unlawful deceptive trade practice:

- selling or leasing disinfectant cleaning supplies or personal protective equipment at an exorbitant or excessive price; or
- demanding an exorbitant or excessive price in connection with the sale or lease of such supplies or equipment.

The bill defines the following terms:

- "disinfectant cleaning supplies" as including bleach products, sanitizing wipes, sanitizing spray, and hand sanitizer; and
- "personal protective equipment" as specialized clothing or equipment, including disposable gloves, face shields, face masks, and surgical masks, worn to protect against infectious diseases or hazardous materials.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1826 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute specifies that "personal protective equipment" means specialized clothing or equipment worn to protect against infectious diseases or hazardous materials.

The substitute omits a provision establishing that the bill prevails over another act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive revisions in enacted codes, to the extent of any conflict.