

By: Campos

H.B. No. 2771

A BILL TO BE ENTITLED

AN ACT

relating to the prices of fruits and vegetables during a declared disaster; creating a criminal offense.

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

SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 113 to read as follows:

CHAPTER 113. PRICING OF FRUITS AND VEGETABLES DURING DECLARED DISASTER

Sec. 113.001. DEFINITIONS. In this chapter:

(1) "Declared disaster" means:

(A) a disaster declared by the president of the United States, if any part of this state is named in the federally designated disaster area;

(B) a state of disaster declared by the governor under Section 418.014, Government Code; or

(C) a local state of disaster declared by the presiding officer of the governing body of a political subdivision under Section 418.108, Government Code.

(2) "Declared disaster period" means the period during which an area of this state is subject to:

(A) a declaration of a state of disaster under Section 418.014 or 418.108, Government Code; or

(B) a declaration of the disaster by the president of the United States described by Subdivision (1)(A).

1           (3) "Fruit or vegetable" includes any variety of  
2 fresh, canned, dried, or frozen whole or cut fruits or vegetables.

3           Sec. 113.002. PRICES CONSIDERED EXORBITANT OR EXCESSIVE.  
4 For purposes of this chapter, the price of a fruit or vegetable is  
5 considered exorbitant or excessive if the price, when compared with  
6 the price of the fruit or vegetable on the seventh day before a  
7 declared disaster begins, has increased by 100 percent.

8           Sec. 113.003. EXORBITANT OR EXCESSIVE PRICES PROHIBITED  
9 DURING DECLARED DISASTER PERIOD; OFFENSE. (a) A merchant may not,  
10 in any area of this state subject to the disaster declaration, take  
11 any of the following actions during a declared disaster period with  
12 the intent to take advantage of the disaster:

13           (1) sell a fruit or vegetable at an exorbitant or  
14 excessive price; or

15           (2) demand an exorbitant or excessive price for a  
16 fruit or vegetable.

17           (b) A merchant who violates this section commits an offense.  
18 Each day a violation continues constitutes a separate offense.

19           (c) An offense under this section is a Class A misdemeanor.

20           (d) A violation of this chapter constitutes a separate  
21 violation from any violation of Section 17.46(b)(27).

22           SECTION 2. (a) The change in law made by this Act applies  
23 only to an offense committed on or after the effective date of this  
24 Act. For purposes of this section, an offense is committed before  
25 the effective date of this Act if any element of the offense occurs  
26 before the effective date.

27           (b) An offense committed before the effective date of this

1 Act is governed by the law in effect on the date the offense was  
2 committed, and the former law is continued in effect for that  
3 purpose.

4 SECTION 3. This Act takes effect September 1, 2021.