

By: Meza

H.B. No. 3191

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to prohibiting or limiting certain charges during a public  
3 health disaster in connection with delivery services provided by  
4 retailers participating in the supplemental nutrition assistance  
5 program.

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

7 SECTION 1. Subchapter A, Chapter 33, Human Resources Code,  
8 is amended by adding Section 33.007 to read as follows:

9 Sec. 33.007. PROHIBITION AND LIMITATION ON CERTAIN CHARGES  
10 BY CERTAIN SNAP RETAILERS DURING PUBLIC HEALTH DISASTERS. (a) In  
11 this section:

12 (1) "Designated disaster period" means a period  
13 beginning on the effective date of a proclamation or executive  
14 order of the governor or the president of the United States, as  
15 applicable, declaring a disaster and ending on the date the  
16 disaster declaration terminates or expires.

17 (2) "Eligible items" means items eligible for purchase  
18 using supplemental nutrition assistance benefits.

19 (3) "Public health disaster area" means an area of  
20 this state that is subject to a declaration of disaster by the  
21 governor under Section 418.014, Government Code, or the president  
22 of the United States, in response to an immediate threat from a  
23 communicable disease, including a disease outbreak that is an  
24 epidemic or pandemic.

1           (4) "Retailer" has the meaning assigned by Section  
2 33.0023.

3           (b) This section applies only in a public health disaster  
4 area during the designated disaster period.

5           (c) If a recipient of supplemental nutrition assistance  
6 program benefits purchases eligible items from a retailer using a  
7 home delivery service directly offered and provided by the retailer  
8 and pays for any part of the purchase using the recipient's  
9 electronic benefits transfer card or another method of payment  
10 associated with the benefits program, the retailer may not:

11           (1) charge a fee for the home delivery service that  
12 exceeds the amount of the local sales and use taxes imposed on the  
13 purchase of all eligible food items, including items not purchased  
14 using program benefits; and

15           (2) solicit or accept gratuity from the recipient for  
16 the service.

17           (d) Subsection (c) does not:

18           (1) prohibit a retailer from imposing a minimum  
19 purchase amount to use the retailer's home delivery service; or

20           (2) require a retailer to include items not eligible  
21 for purchase using supplemental nutrition assistance program  
22 benefits in a purchase made by a recipient using the retailer's home  
23 delivery service.

24           (e) A retailer may not charge a recipient of supplemental  
25 nutrition assistance program benefits who purchases eligible items  
26 from a retailer using a curbside delivery service a fee for the  
27 service or solicit or accept from the recipient gratuity for the

1 service.

2 (f) This section expires September 1, 2023.

3 SECTION 2. If before implementing any provision of this Act  
4 a state agency determines that a waiver or authorization from a  
5 federal agency is necessary for implementation of that provision,  
6 the agency affected by the provision shall request the waiver or  
7 authorization and may delay implementing that provision until the  
8 waiver or authorization is granted.

9 SECTION 3. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2021.