

By: Capriglione

H.B. No. 3674

A BILL TO BE ENTITLED

AN ACT

relating to purchase of personal protective equipment made in the United States by certain governmental entities.

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

SECTION 1. Chapter 2252, Government Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. PERSONAL PROTECTIVE EQUIPMENT CONTRACTS

Sec. 2252.251. DEFINITIONS. In this subchapter:

(1) "Governmental entity" means the Health and Human Services Commission, the Department of State Health Services, or a political subdivision as defined by Section 2252.201.

(2) "Manufacturing process" means the application of a process to alter the form or function of materials or elements of a product in a manner that adds value and transforms the materials or elements into a new finished product.

(3) "Personal protective equipment" means specialized clothing or equipment worn for protection against communicable and other infectious diseases.

(4) "Produced in the United States" means a product for which all manufacturing processes occur in the United States.

Sec. 2252.252. PERSONAL PROTECTIVE EQUIPMENT PURCHASING REQUIREMENTS. (a) Except as provided by Section 2252.253, a governmental entity purchasing personal protective equipment shall ensure the bid documents provided to all bidders and the contract

1 include a requirement that the personal protective equipment be
2 produced in the United States.

3 (b) A governmental entity subject to the purchasing
4 requirements described by Subsection (a) shall adopt rules to
5 promote compliance with this section.

6 Sec. 2252.253. EXEMPTIONS. Section 2252.252 does not apply
7 to the purchase of personal protective equipment for which the
8 governing body of the governmental entity responsible for the
9 purchase determines that:

10 (1) personal protective equipment produced in the
11 United States is not:

12 (A) produced in sufficient quantities;

13 (B) reasonably available; or

14 (C) of a satisfactory quality;

15 (2) use of personal protective equipment produced in
16 the United States will increase the total cost of the purchase by
17 more than 20 percent; or

18 (3) complying with that section is inconsistent with
19 the public interest.

20 Sec. 2252.254. CONFLICT OF LAW. To the extent of any
21 conflict or inconsistency, this subchapter prevails over any other
22 state law relating to the purchase of personal protective equipment
23 that is directly funded by a governmental entity or financed by
24 funds administered by a governmental entity.

25 SECTION 2. Subchapter H, Chapter 2252, Government Code, as
26 added by this Act, applies only to bid documents submitted or
27 contracts entered into on or after the effective date of this Act.

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