

By: Rosenthal

H.B. No. 2595

A BILL TO BE ENTITLED

AN ACT

relating to the advertisement of disposable wipes as flushable;
providing a civil penalty.

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

SECTION 1. Subtitle B, Title 5, Health and Safety Code, is amended by adding Chapter 375 to read as follows:

CHAPTER 375. DISPOSABLE WIPES

Sec. 375.001. DEFINITIONS. In this chapter:

(1) "Covered entity" means a manufacturer of a disposable wipe and a wholesaler, supplier, or retailer of a disposable wipe.

(2) "Disposable wipe" means a single-use, premoistened wipe designed or marketed for diapering, personal hygiene, or other cleaning purposes.

Sec. 375.002. PROHIBITED ADVERTISEMENT OF DISPOSABLE WIPE AS FLUSHABLE. A covered entity may not advertise, label, or otherwise communicate that a disposable wipe may be disposed of in a toilet, including by communicating that the disposable wipe is "flushable," "sewer safe," or "septic safe," unless the disposable wipe disintegrates or dissolves immediately in water.

Sec. 375.003. CIVIL PENALTY. (a) A covered entity that violates Section 375.002 is liable for a civil penalty in an amount equal to:

(1) \$1,000 for the first violation;

1 (2) not less than \$1,000 or more than \$5,000 for the
2 second violation; and

3 (3) not less than \$5,000 or more than \$10,000 for the
4 third violation.

5 (b) The attorney general may file suit in district court to
6 recover a civil penalty imposed under this section against a
7 covered entity that violates Section 375.002.

8 (c) A civil penalty collected under this section shall be
9 deposited in the general revenue fund.

10 (d) The attorney general may recover reasonable expenses
11 incurred in collecting the civil penalty, including court costs,
12 reasonable attorney's fees, investigative costs, witness fees, and
13 deposition costs.

14 Sec. 375.004. INJUNCTIVE RELIEF. (a) The attorney general
15 may bring an action in district court to enjoin a covered entity
16 from selling disposable wipes if the covered entity violates
17 Section 375.002 after a civil penalty has been assessed against the
18 covered entity under Section 375.003 for a third violation of
19 Section 375.002.

20 (b) The attorney general may recover reasonable expenses
21 incurred in obtaining relief under this section, including court
22 costs, reasonable attorney's fees, investigative costs, witness
23 fees, and deposition costs.

24 SECTION 2. This Act takes effect September 1, 2023.