

- SUBJECT:** Prohibiting the use of certain technologies for online purchasing
- COMMITTEE:** Business and Industry — committee substitute recommended
- VOTE:** 7 ayes — C. Turner, Hefner, Cain, Crockett, Lambert, Ordaz Perez, Patterson
- 0 nays
- 2 absent — Shine, S. Thompson
- WITNESSES:** For — (*Registered, but did not testify:* Dana Harris, Austin Chamber of Commerce; Mark Vane, Husch Blackwell Strategies; Megan Herring, Texas Association of Business; Jim Sheer, Texas Retailers Association; Calvin Tillman; Al Zito)
- Against — None
- BACKGROUND:** Concerns have been raised about the use of "bots" to purchase newly released or limited edition goods online then resell the items at a high price to those genuinely interested in the products. Some have suggested prohibiting the practice of using certain technology or software to bypass the seller's purchasing process online.
- DIGEST:** CSHB 3745 would prohibit a person from selling, using, or causing to be used any method, technology, device, or software in the sale of a good on a website that:
- functioned as a bypass in the purchasing process;
  - disguised the identity of the purchaser;
  - permitted the purchase of goods in a number that exceeded the maximum number that could be sold to one purchaser as specified by the seller or operator on the website; or
  - circumvented a security measure, access control system, or other control, authorization, or measure in the purchasing process.

The attorney general could investigate a claim that a person violated the provisions of this bill and, if the attorney general believed a person was violating or about to violate the bill, could bring an action in the name of the state to restrain or enjoin the person. The attorney general would be entitled to recover all reasonable costs of bringing an action, including court costs, reasonable attorney's fees, and investigation costs.

The bill would take effect September 1, 2021.