

BILL ANALYSIS

C.S.H.B. 1708
By: Taylor
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

This bill amends Health and Safety Code Chapter 441 by providing the Texas Department of Health (TDH) with the authority to set fees charged for a permit for an operator of a bottled or vending water manufacturer, establish permit issuance and renewal procedures, and adding enforcement authority that is similar to that found in other statutes enforced by TDH, such as Health and Safety Code Chapter 431, the Texas Food, Drug and Cosmetic Act.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Health in SECTION 1(Sections 441.003, 441.004, and 441.005, Health and Safety Code) of this bill.

ANALYSIS

Chapter 441, Health and Safety Code is amended to apply to operators.

Section 441.001 is amended to define "Commissioner" and "Department".

Section 441.0011 creates an exemption.

Section 441.002 is amended to substitute the term "certificate of competency" with "permit".

Section 441.003 is added so that a bottled or vended water operator who is to furnish or distribute bottled or vended water to the public may apply for a permit. TDH shall develop procedures for the issuance of a permit. Permits are limited in the scope and an operator must be in compliance with the standards before a permit can be issued. Permits issued must be renewed each year.

Section 441.004 is amended to provide TDH with the authority to set fees, to obtain or renew a permit, to recover costs necessary to administer this chapter. TDH shall issue a permit if the applicant complies with TDH standards.

Section 441.005 is amended to provide TDH with the authority to establish reasonable minimum standards for granting or maintaining a permit, TDH may adopt rules related to permit suspension revocation, other disciplinary action and permit renewal. Makes conforming changes.

Section 441.006 is added to establish that a permit holder must also comply with standards for bottled and vended water previously adopted under Health and Safety Code Chapter 431.

Section 431.007 is added to provide the Commissioner with the authority to refuse an application for a permit or to suspend or revoke a permit.

Subchapter A, Chapter 431, Health and Safety Code, is amended by adding Section 431.011 to provide that this chapter also applies to a person who holds a permit under Chapter 441.

TDH shall the adopt rules, procedures, and minimum standards required by this Act by December 1, 2003. Treatment for current holders of the old "certificates of competency" is established.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The committee substitute adds Sec. 441.0011 to the bill. This section exempts entities that are not engaged in the processing or bottling of water, whose only business activities related to bottled water are the distribution and sale of bottled water and who in not required to hold a food manufacturer or wholesaler license under Subchapter J, Chapter 431.