

BILL ANALYSIS

Senate Research Center
78R12723 MCK-D

H.B. 2075
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Health & Human Services
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Engrossed

DIGEST AND PURPOSE

Currently the Texas Department of Health (TDH) is responsible for inspecting and setting health and safety standards for various industries throughout the state, including youth camps which are unique in the sense that they operate on a seasonal basis. For this reason, the youth camp industry feels it should have a set of health and safety standards representative of their unique operation. H.B. 2075 addresses a camp industry concern by creating an immediate cure solution for infractions found during inspections which are easily corrected, such as lack of toilet paper at a certain location.

Various changes have been made in the past in regard to TDH's oversight of Texas's youth camps. For example, during the 77th Legislature the maximum fine assessed for an inspection violation was raised from \$100 a day to \$2,000 a day. The advisory committee, originally part of the Youth Camp Act and established to facilitate communication between TDH and youth camps, was abolished under sweeping sunset legislation because it had not met for several years. The bill lowers the maximum fine daily fine to \$1000, and reinstates the advisory committee.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 141.007, Health and Safety Code, by adding Subsections (d), (e), (f), and (g), as follows:

- (d) Requires an employee or agent of the Texas Department of Health (TDH) who enters a youth camp to investigate and inspect conditions to perform certain tasks.
- (e) Prohibits TDH from extending or delaying an investigation or inspection to allow the youth camp to correct a violation under Subsection (d)(2).
- (f) Prohibits an employee or agent of TDH performing an investigation and inspection under this section from reporting a violation that is significant under TDH's rules if the violation is corrected during the investigation and inspection.
- (g) Prohibits a penalty from being imposed on a youth camp for a violation that is significant under TDH's rules if the violation is corrected during an investigation and inspection under this section.

SECTION 2. Amends Section 141.008(a), Health and Safety Code, to require the Texas Board of Health (board), before adopting a rule under this chapter or readopting a rule under Section 2001.039, Government Code, to perform certain tasks.

SECTION 3. Amends Section 141.010, Health and Safety Code, to provide that the other members

of the advisory committee should be experienced camping professionals who represent the camping communities of the state. Requires the board, in making the appointments, to attempt to reflect the geographic diversity of the state in proportion to the number of camps licensed by the department in each geographic area of the state. Deletes text relating to the membership of the advisory committee.

SECTION 4. Amends Section 141.016(c), Health and Safety Code, to prohibit the penalty from exceeding \$1,000, rather than \$2,000, a day for each violation.

SECTION 5. Makes application of Subsections (d), (e), (f), and (g), Section 141.007, Health and Safety Code, as added by Section 1 of this Act, prospective.

SECTION 6. Effective date: September 1, 2003.