

By: Smith of Harris

H.B. No. 446

Substitute the following for H.B. No. 446:

By: Taylor

C.S.H.B. No. 446

A BILL TO BE ENTITLED

AN ACT

relating to standing water as a nuisance.

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

SECTION 1. Section 341.011, Health and Safety Code, is amended to read as follows:

Sec. 341.011. NUISANCE. Each of the following is a public health nuisance:

(1) a condition or place that is a breeding place for flies and that is in a populous area;

(2) spoiled or diseased meats intended for human consumption;

(3) a restaurant, food market, bakery, other place of business, or vehicle in which food is prepared, packed, stored, transported, sold, or served to the public and that is not constantly maintained in a sanitary condition;

(4) a place, condition, or building controlled or operated by a state or local government agency that is not maintained in a sanitary condition;

(5) sewage, human excreta, wastewater, garbage, or other organic wastes deposited, stored, discharged, or exposed in such a way as to be a potential instrument or medium in disease transmission to a person or between persons;

(6) a vehicle or container that is used to transport garbage, human excreta, or other organic material and that is

1 defective and allows leakage or spilling of contents;

2 (7) a collection of water in which mosquitoes are  
3 breeding in the limits of a municipality or a collection of water  
4 that is a breeding area for Culex quinquefasciatus mosquitoes that  
5 can transmit diseases regardless of the collection's location;

6 (8) a condition that may be proven to injuriously  
7 affect the public health and that may directly or indirectly result  
8 from the operations of a bone boiling or fat rendering plant, tallow  
9 or soap works, or other similar establishment;

10 (9) a place or condition harboring rats in a populous  
11 area;

12 (10) the presence of ectoparasites, including  
13 bedbugs, lice, and mites, suspected to be disease carriers in a  
14 place in which sleeping accommodations are offered to the public;

15 (11) the maintenance of an open surface privy or an  
16 overflowing septic tank so that the contents may be accessible to  
17 flies; and

18 (12) an object, place, or condition that is a possible  
19 and probable medium of disease transmission to or between humans.

20 SECTION 2. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2003.