

By: Taylor

H.B. No. 1708

Substitute the following for H.B. No. 1708:

By: Zedler

C.S.H.B. No. 1708

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of bottled and vended drinking water operators.

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

SECTION 1. Chapter 441, Health and Safety Code, is amended to read as follows:

CHAPTER 441. REGULATION OF BOTTLED AND VENDED DRINKING WATER
OPERATORS

Sec. 441.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Commissioner" means the commissioner of public health.

(2) "Department" [~~,"department"~~] means the Texas Department of Health.

Sec. 441.0011. EXEMPTION. This chapter does not apply to a person:

(1) who is not engaged in the processing or bottling of water;

(2) whose only business activities related to bottled water are the distribution and sale of bottled water; and

(3) who is not required to hold a food manufacturer or wholesaler license under Subchapter J, Chapter 431.

Sec. 441.002. PROHIBITED ACTS [~~CERTIFICATION OF BOTTLED AND VENDED WATER OPERATORS~~]. (a) A bottled or vended water operator may not furnish bottled or vended water to the public or for

1 distribution to the public unless the bottled or vended water
2 operator holds a permit [~~certificate of competency~~] under this
3 chapter.

4 (b) A person may not furnish bottled or vended water to the
5 public or for distribution to the public unless the processing,
6 bottling, and distribution of the bottled or vended water are
7 performed by or under the supervision of a bottled or vended water
8 operator who holds a permit [~~certificate of competency~~] under this
9 chapter.

10 Sec. 441.003. PERMIT. (a) A bottled or vended water
11 operator may apply to the department for a permit to furnish or
12 distribute bottled or vended water to the public.

13 (b) The department by rule shall provide the procedures for
14 the issuance of a permit under this chapter. A permit may be issued
15 only for the purpose and use stated on the application for the
16 permit.

17 (c) A permit may not be issued to a bottled or vended water
18 operator who does not comply with the standards prescribed by the
19 department under this chapter.

20 (d) A permit issued under this chapter must be renewed each
21 year in accordance with department rules.

22 Sec. 441.004. FEES. (a) [~~(b)~~] To obtain or renew a
23 permit, [~~certificate~~] an applicant must pay the department a [~~\$25~~]
24 fee set by rule by the department in an amount reasonable and
25 necessary to administer this chapter.

26 (b) [~~(c)~~] On receipt of the required fee, the department
27 shall provide for the testing of the applicant and issue a permit

1 ~~[certificate of competency]~~ to the applicant if the applicant
2 passes the test and complies with department standards.

3 Sec. 441.005. ~~[441.003.]~~ RULES; MINIMUM STANDARDS. (a)
4 The department may adopt rules ~~[that are]~~ necessary to implement
5 this chapter that promote the public health and safety, including
6 rules related~~[-. The rules may include rules relating]~~ to:

7 (1) permit ~~[certificate]~~ suspension, permit
8 revocation, or other disciplinary action; and

9 (2) permit ~~[relating to certificate]~~ renewal.

10 (b) The department by rule shall establish reasonable
11 minimum standards for granting or maintaining a permit.

12 Sec. 441.006. APPLICABILITY OF OTHER LAW. Chapter 431
13 applies to a person or product regulated under this chapter,
14 including a bottled or vended water operator who holds a permit
15 under this chapter.

16 Sec. 441.007. REFUSAL TO GRANT PERMIT; SUSPENSION OR
17 REVOCAION OF PERMIT. In accordance with rules and minimum
18 standards adopted under Section 441.005, the commissioner may
19 refuse an application for a permit under this chapter or may suspend
20 or revoke a permit issued under this chapter.

21 SECTION 2. Subchapter A, Chapter 431, Health and Safety
22 Code, is amended by adding Section 431.011 to read as follows:

23 Sec. 431.011. APPLICABILITY OF CHAPTER TO BOTTLED OR VENDED
24 WATER OPERATORS. This chapter applies to the conduct of a person
25 who holds a permit under Chapter 441.

26 SECTION 3. (a) The Texas Department of Health shall adopt
27 the rules, procedures, and minimum standards required by Chapter

1 441, Health and Safety Code, as amended by this Act, not later than
2 December 1, 2003.

3 (b) The Texas Department of Health shall treat a person who
4 holds a certificate of competency under Chapter 441, Health and
5 Safety Code, immediately before the effective date of this Act, as
6 if the person holds a permit under Chapter 441, Health and Safety
7 Code, as amended by this Act. On expiration of the certificate of
8 competency, the department shall issue a permit to a person who
9 holds a certificate and who would be eligible to renew a permit.
10 Each person who holds a certificate of competency must obtain a
11 permit not later than September 1, 2004.

12 SECTION 4. This Act takes effect September 1, 2003.