

1-1 By: Swinford (Senate Sponsor - Madla) H.B. No. 2866
1-2 (In the Senate - Received from the House May 5, 2003;
1-3 May 7, 2003, read first time and referred to Committee on Health
1-4 and Human Services; May 22, 2003, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 9,
1-6 Nays 0; May 22, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2866 By: Nelson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to coordinated inspection of certain child-care
1-11 facilities for compliance with fire safety and sanitation
1-12 standards.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter C, Chapter 42, Human Resources Code,
1-15 is amended by adding Section 42.0443 to read as follows:

1-16 Sec. 42.0443. COORDINATION OF FIRE SAFETY AND SANITATION
1-17 INSPECTIONS. (a) The department may not inspect a licensed
1-18 day-care center, licensed group day-care home, or registered family
1-19 home for compliance with the department's fire safety or
1-20 sanitation standards if the facility, at the time of the
1-21 department's inspection, provides the department with
1-22 documentation relating to a current fire safety or sanitation
1-23 inspection, as applicable, performed by a political subdivision of
1-24 this state that indicates that the facility is in compliance with
1-25 the applicable standards of the political subdivision.

1-26 (b) If the documentation provided under Subsection (a)
1-27 indicates that the facility was required to take corrective action
1-28 or that the political subdivision imposed a restriction or
1-29 condition on the facility, the department shall determine whether
1-30 the facility took the required corrective action or complied with
1-31 the restriction or condition.

1-32 (c) The department may inspect a facility subject to this
1-33 section for compliance with the department's fire safety or
1-34 sanitation standards if:

1-35 (1) the facility does not provide the documentation
1-36 described by Subsection (a); or

1-37 (2) the department determines that the facility did
1-38 not take a corrective action or comply with a restriction or
1-39 condition described by Subsection (b).

1-40 (d) Notwithstanding any other provision of this section,
1-41 the department shall report to the appropriate political
1-42 subdivision any violation of fire safety or sanitation standards
1-43 observed by the department at a facility subject to this section.

1-44 (e) The department shall adopt rules necessary to implement
1-45 this section.

1-46 SECTION 2. This Act takes effect September 1, 2003.

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