

By: Laubenberg

H.B. No. 3535

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to certain administrative penalties assessed by the Texas  
3 Department of Health.

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

5 SECTION 1. Section 485.101(a), Health and Safety Code, is  
6 amended to read as follows:

7 (a) The department may impose an administrative penalty on a  
8 person who sells abusable volatile chemicals [~~glue or aerosol~~  
9 ~~paint~~] at retail who violates this chapter or a rule or order  
10 adopted under this chapter.

11 SECTION 2. Section 485.102(a), Health and Safety Code, is  
12 amended to read as follows:

13 (a) The amount of the penalty may not exceed \$5,000 [~~\$1,000~~]  
14 for each violation, and each day a violation continues or occurs is  
15 a separate violation for purposes of imposing a penalty. The total  
16 amount of the penalty assessed for a violation continuing or  
17 occurring on separate days under this subsection may not exceed  
18 \$25,000 [~~\$5,000~~].

19 SECTION 3. Section 501.102(a), Health and Safety Code, is  
20 amended to read as follows:

21 (a) The amount of the penalty may not exceed \$10,000  
22 [~~\$1,000~~] for each violation, and each day a violation continues or  
23 occurs is a separate violation for purposes of imposing a penalty.  
24 [~~The total amount of the penalty assessed for a violation~~

1 ~~continuing or occurring on separate days under this subsection may~~  
2 ~~not exceed \$5,000.]~~

3 SECTION 4. (a) The change in law made by this Act applies  
4 only to a violation committed on or after the effective date of this  
5 Act. For purposes of this section, a violation is committed before  
6 the effective date of this Act if any element of the violation  
7 occurs before that date.

8 (b) A violation committed before the effective date of this  
9 Act is covered by the law in effect when the violation was  
10 committed, and the former law is continued in effect for that  
11 purpose.

12 SECTION 5. This Act takes effect September 1, 2003.