

By: Carona

S.B. No. 1453

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

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

1 chapter.

2 Sec. 441.003. PERMIT. (a) A bottled or vended water
3 operator may apply to the department for a permit to furnish or
4 distribute bottled or vended water to the public.

5 (b) The department by rule shall provide the procedures for
6 the issuance of a permit under this chapter. A permit may be issued
7 only for the purpose and use stated on the application for the
8 permit.

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

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

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

18 (b) [~~(c)~~] On receipt of the required fee, the department
19 shall provide for the testing of the applicant and issue a permit
20 [~~certificate of competency~~] to the applicant if the applicant
21 passes the test and complies with department standards.

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

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

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

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

4 Sec. 441.006. APPLICABILITY OF OTHER LAW. Chapter 431
5 applies to a person or product regulated under this chapter,
6 including a bottled or vended water operator who holds a permit
7 under this chapter.

8 Sec. 441.007. REFUSAL TO GRANT PERMIT; SUSPENSION OR
9 REVOCAATION OF PERMIT. In accordance with rules and minimum
10 standards adopted under Section 441.005, the commissioner may
11 refuse an application for a permit under this chapter or may suspend
12 or revoke a permit issued under this chapter.

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

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

18 SECTION 3. (a) The Texas Department of Health shall adopt
19 the rules, procedures, and minimum standards required by Chapter
20 441, Health and Safety Code, as amended by this Act, not later than
21 December 1, 2003.

22 (b) The Texas Department of Health shall treat a person who
23 holds a certificate of competency under Chapter 441, Health and
24 Safety Code, immediately before the effective date of this Act, as
25 if the person holds a permit under Chapter 441, Health and Safety
26 Code, as amended by this Act. On expiration of the certificate of
27 competency, the department shall issue a permit to a person who

1 holds a certificate and who would be eligible to renew a permit.
2 Each person who holds a certificate of competency must obtain a
3 permit not later than September 1, 2004.

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