

BILL ANALYSIS

C.S.H.B. 1752
By: Davis, John
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently the Health and Safety Code prohibits a person from selling second hand bedding unless the bedding has been germicidally treated by a method approved by the department. C.S.H.B. 1752 requires that germicidal treatment permit holders maintain their place of business in a sanitary condition and exempts those small businesses that treat ten or fewer items of used bedding per week from any additional sanitary requirements adopted under this subsection.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Health in SECTION 2 of this bill. The Texas Department of Health became the Department of State Health Services based upon the effective dates within HB 2292 from the 78th Legislative session.

ANALYSIS

SECTION 1. Amends Sec. 345.0435(a) of the Health and Safety Code and gives the executive commissioner of HHSC rule making authority to implement this subchapter, including requirements for the issuance, renewal, denial, suspension, and revocation of a permit issued under this subchapter.

SECTION 2. Amends Sec. 345.045 of the Health and Safety Code by adding section (a) which establishes that a germicidal treatment permit holder must maintain the permit holder's place of business in a sanitary condition free from refuse, dirt contamination, insects, and vermin.

(b) Provides that the department, by rule, may establish additional requirements regulating the sanitary condition of a permit holder's place of business. Provides an exemption from any additional sanitary requirements adopted under this section for a germicidal permit holder who treats not more than 10 items per week at the permit holders business.

SECTION 3. Effective date: September 1, 2005.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

As originally filed, H.B. 1752 replaced the duty of certain businesses to germicidally treat used bedding with a duty to inspect and clean the bedding in a method approved by the department. C.S.H.B. 1752 retains the duty of a business to germicidally treat all used bedding offered for sale, and adds that a germicidal treatment permit holder maintain their place of business in a sanitary condition and exempts small businesses that treat 10 or fewer items of used bedding per week from any additional requirements regulating sanitary conditions of a permit holder's place of business adopted under this subsection.