

By: Davis of Harris

H.B. No. 1752

A BILL TO BE ENTITLED

AN ACT

relating to the inspection and cleaning of certain bedding,
materials, and upholstered items.

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

SECTION 1. Section 345.002, Health and Safety Code, is
amended to read as follows:

Sec. 345.002. EVIDENCE OF INTENT TO SELL. The possession
of bedding by a manufacturer, renovator, wholesaler, or person
holding an inspection and cleaning [~~a germicidal treatment~~] permit
in the course of business is presumptive evidence of an intent to
sell the bedding.

SECTION 2. Section 345.024, Health and Safety Code, is
amended to read as follows:

Sec. 345.024. INSPECTION AND CLEANING [~~GERMICIDAL
TREATMENT~~] OF BEDDING AND MATERIALS. (a) Except as provided by
Subsection (b), a person may not sell secondhand bedding or bedding
manufactured in whole or in part from secondhand or recycled
material unless the bedding has been inspected [~~germically
treated~~] and cleaned by a method approved by the department.

(b) An upholstered sofa bed, reclining chair, or studio
couch shall be inspected [~~germically treated~~] and cleaned only
when required by department rules.

(c) A person may not use in the manufacture, repair, or
renovation of bedding a material that has not been inspected and

1 cleaned [~~and germicidally treated~~] by a process or treatment
2 approved by the department if the material:

3 (1) has been used by a person with a communicable
4 disease; or

5 (2) is filthy, oily, stained, or harbors loathsome
6 insects or pathogenic organisms.

7 (d) A person may not sell material or bedding requiring
8 inspection and cleaning [~~germicidal treatment~~] under this section
9 unless the person inspecting and cleaning the material or bedding
10 [~~applying the germicidal treatment~~] securely attaches by a method
11 approved by the department a label that is at least 12 square inches
12 and contains, plainly printed in ink:

13 (1) a statement that the article or material has been
14 inspected and cleaned [~~germicidally treated~~] by a method approved
15 by the department;

16 (2) a statement of the method of inspection and
17 cleaning [~~germicidal treatment applied~~];

18 (3) the date the article was inspected and cleaned
19 [~~germicidally treated~~];

20 (4) the name and address of the person for whom the
21 article was inspected and cleaned [~~germicidally treated~~]; and

22 (5) the permit number of the person performing
23 [~~applying~~] the inspection and cleaning [~~germicidal treatment~~].

24 SECTION 3. The heading to Section 345.042, Health and
25 Safety Code, is amended to read as follows:

26 Sec. 345.042. PERMIT TO INSPECT AND CLEAN [~~APPLY GERMICIDAL~~
27 ~~TREATMENT~~].

SECTION 4. Section 345.042, Health and Safety Code, is amended by amending Subsections (a), (c), and (d) to read as follows:

(a) A person may not inspect and clean bedding [~~apply a germicidal process~~] unless:

(1) the inspection and cleaning method [~~process~~] has been registered with and approved by the department; and

(2) the person has a numbered inspection and cleaning [~~germicidal treatment~~] permit issued by the department.

(c) A person who holds a permit shall keep the permit conspicuously posted on the premises of the person's business [~~near the treatment device~~].

(d) A person who holds a permit shall keep an accurate record of all materials that have been inspected and cleaned [~~germicidally treated~~]. The record must include the:

(1) source of the material;

(2) date of inspection and cleaning [~~treatment~~]; and

(3) name and address of the owner of each item.

SECTION 5. The heading to Section 345.083, Health and Safety Code, is amended to read as follows:

Sec. 345.083. DEPARTMENT INSPECTION OF FACILITIES.

SECTION 6. Section 345.083(a), Health and Safety Code, is amended to read as follows:

(a) To determine compliance with this chapter or a rule adopted under this chapter, a representative of the department may enter a place at which:

(1) bedding is manufactured, repaired, renovated,

1 cleaned, stored, or sold;

2 (2) materials are prepared for use in bedding; or

3 (3) inspection [~~germicidal treatment~~] of bedding is
4 performed.

5 SECTION 7. The change in law made by this Act to Section
6 345.024, Health and Safety Code, applies only to bedding,
7 materials, or upholstered items sold on or after January 1, 2006.
8 Bedding, materials, or upholstered items that are sold before
9 January 1, 2006, are governed by the law in effect on the date of the
10 sale, and the former law is continued in effect for that purpose.

11 SECTION 8. (a) A person who, on the effective date of this
12 Act, is operating under a germicidal treatment permit issued under
13 Chapter 345, Health and Safety Code, is entitled to an inspection
14 and cleaning permit under that chapter, as amended by this Act, if
15 the person demonstrates on or before January 1, 2006, in the manner
16 required by the Department of State Health Services, that the
17 person satisfies the requirements for issuance of the inspection
18 and cleaning permit.

19 (b) The Department of State Health Services shall issue an
20 inspection and cleaning permit under Subsection (a) of this section
21 without requiring payment of the fee for issuance of an initial
22 permit.

23 (c) An inspection and cleaning permit issued to a person
24 under Subsection (a) of this section expires on the expiration date
25 of the person's germicidal treatment permit.

26 (d) A person described by Subsection (a) of this section who
27 does not demonstrate that the person satisfies the requirements for

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1 issuance of the inspection and cleaning permit before January 2,
2 2006, must apply for a new inspection and cleaning permit under
3 Chapter 345, Health and Safety Code, as amended by this Act, and pay
4 the fee for the issuance of a new permit.

5 SECTION 9. This Act takes effect September 1, 2005.