

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**April 25, 2005**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: SB375** by Van de Putte (Relating to prohibiting the sale or use of unsafe children's products; providing a civil penalty.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend Subtitle A, Title 9, Health and Safety Code, by adding Chapter 761 and Subchapter C, Chapter 42, Human Resources Code by adding section 42.0422.

The new Chapter 761 prohibits the sale or use of unsafe children's products and requires the Department of State Health Services to maintain a list of unsafe children's products and make the list accessible on their website as well as inform child care facilities about the list.

Child-care facilities may not use an unsafe product that is on the list. The Department of Family and Protective Services shall notify child-care facilities of this requirement. Each child-care facility shall certify in writing that it has no unsafe products in the facility. A person who violates this chapter is liable to the state for a civil penalty not to exceed \$1,000 for each violation. The Attorney General would have authority to bring suit to recover a civil penalty imposed under this section.

The Health and Human Services Commission would adopt rules and forms necessary to implement this legislation.

The bill would take effect September 1, 2005.

The affected agencies would absorb the minimal costs of implementing the bill with current resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 302 Office of the Attorney General, 529 Health and Human Services Commission, 530 Department of Family and Protective Services, 537 Department of State Health Services

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