

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 7, 2007

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

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

IN RE: HB1585 by King, Susan (Relating to administrative penalties imposed by a public health district or a county for violations of health and safety provisions relating to retail food service.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would create Sections 437.0185 and 437.0186, Health and Safety Code, to authorize the director of a public health district or the commissioners court of a county to impose an administrative penalty on a person the district or county requires to hold a permit under Section 437.003 or Section 437.004, Health and Safety Code, if the person violates rules or orders under Chapter 437. The penalty could not exceed \$500 per violation. Each day the violation continues would be considered a separate violation. An administrative penalty could be imposed by either the state under Section 437.018 or by the public health district or the county under Section 437.0185, but not both.

The bill would establish the procedures that must be followed for imposing a penalty, for the appeal of the penalty, and for requirements following a court's determination regarding the penalty. An appeal would be held in the justice of the peace court for the justice precinct in which the retail food store or food establishment is located or the mobile food establishment or roadside food vendor is based.

The bill would take effect September 1, 2007 and would apply only to a violation that occurs on or after that date.

Local Government Impact

While current statute authorizes a county or public health district to enforce state law and rules concerning the applicable food services, it does not currently authorize those local entities to impose administrative penalties. If a county or public health district were to impose administrative penalties, the local entity would experience a revenue gain that would vary, depending on the number of violations, the amount of penalty imposed, and whether the penalty is appealed. If a penalty is appealed, the district or the county would incur costs related to the appeals process.

Source Agencies:

LBB Staff: JOB, CL, DB