

By: Nelson

S.B. No. 893

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a county to regulate and inspect day-care centers and group day-care homes; providing a criminal penalty.

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

SECTION 1. Chapter 234, Local Government Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. REGULATION OF DAY-CARE CENTERS AND GROUP DAY-CARE HOMES LOCATED IN UNINCORPORATED AREAS

Sec. 234.051. DEFINITIONS. In this subchapter:

(1) "Day-care center" has the meaning assigned by Section 42.002, Human Resources Code.

(2) "Group day-care home" has the meaning assigned by Section 42.002, Human Resources Code.

Sec. 234.052. APPLICABILITY. This subchapter applies only to a county with a population of 700,000 or more.

Sec. 234.053. COUNTY MAY REQUIRE CERTIFICATE. The commissioners court of a county by order may require a day-care center or group day-care home located in an unincorporated area of the county to obtain a health and sanitation certificate from the county.

Sec. 234.054. FACILITY INSPECTION FOR CERTIFICATE ISSUED BY COUNTY. (a) A county health officer or official designated by the commissioners court may conduct an inspection of a day-care center

1 or group day-care home before issuing a certificate under Section
2 234.053.

3 (b) The county may charge a fee to a day-care center or group
4 day-care home for an inspection conducted under this section in an
5 amount determined by the commissioners court to cover the cost of
6 the inspection.

7 Sec. 234.055. RULES. The commissioners court may adopt
8 rules as necessary to administer this subchapter.

9 Sec. 234.056. INJUNCTION. A district or county attorney may
10 bring suit to enjoin the operation of a day-care center or group
11 day-care home in violation of this subchapter or a rule or order
12 adopted by a county under this subchapter.

13 Sec. 234.057. OFFENSE. A person commits an offense if a
14 person violates a provision of this subchapter or a rule or order
15 adopted under this subchapter. An offense under this section is a
16 Class C misdemeanor.

17 SECTION 2. Chapter 234, Local Government Code, is amended
18 by adding Subchapter D to read as follows:

19 SUBCHAPTER D. COUNTY INSPECTION OF DAY-CARE CENTERS AND GROUP
20 DAY-CARE HOMES LOCATED IN MUNICIPALITIES

21 Sec. 234.071. DEFINITIONS. In this subchapter:

22 (1) "Day-care center" has the meaning assigned by
23 Section 42.002, Human Resources Code.

24 (2) "Group day-care home" has the meaning assigned by
25 Section 42.002, Human Resources Code.

26 Sec. 234.072. APPLICABILITY. This subchapter applies only
27 to a county with a population of 700,000 or more.

1 Sec. 234.073. FACILITY INSPECTION REQUIRED BY
2 MUNICIPALITY. A county health officer or official designated by
3 the commissioners court may contract with a municipality for the
4 county to conduct an inspection required by the municipality of a
5 day-care center or group day-care home located in the municipality.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2009.