

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 10, 2009

TO: Honorable Lois W. Kolkhorst, Chair, House Committee on Public Health

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

IN RE: HB808 by Gallego (Relating to the availability of automated external defibrillators at certain athletic clubs; providing a civil penalty.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Health and Safety Code to create a civil penalty if certain athletic clubs do not make available at each facility an automated external defibrillator. The penalty for the first violation may not exceed \$200 and the penalty for each subsequent violation may not exceed \$500. The Office of the Attorney General (OAG) or a district, county, or city attorney would be authorized to institute an action in district court and to collect a civil penalty. The party that brings the suit would be allowed to recover reasonable expenses incurred in obtaining the penalty, including investigation costs, reasonable attorney's fees, witness fees, and deposition expenses.

The venue for a suit would be in the municipality or county in which the violation occurred or in Travis County. A civil penalty recovered in a suit instituted by a local government shall be paid to that local government.

Provisions of the bill would apply only to a cause of action that accrues on or after September 1, 2010, which would be the effective date of the bill.

The OAG anticipates any legal work resulting from the passage of the bill could be reasonably absorbed with current agency resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: JOB, CL, DB