

By: Ellis

S.B. No. 1859

A BILL TO BE ENTITLED

AN ACT

relating to certain health and safety matters regarding appropriate places of employment and places that are accessible to the public.

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

SECTION 1. Section 161.0901(b), Health and Safety Code, is amended to read as follows:

(b) The report must include, at a minimum:

(1) a baseline of statistics and analysis regarding retail compliance with this subchapter, Subchapter K, and Chapters 154 and 155, Tax Code;

(2) a baseline of statistics and analysis regarding illegal tobacco sales, including:

(A) sales to minors;

(B) enforcement actions concerning minors; and

(C) sources of citations;

(3) tobacco controls and initiatives by the Office of Smoking and Health of the department, or any other state agency, including an evaluation of the effectiveness of the controls and initiatives;

(4) the future goals and plans of the Office of Smoking and Health of the department to decrease the use of tobacco and tobacco products, including the determination of potential measures to address relevant air quality issues;

(5) the educational programs of the Office of Smoking

1 and Health of the department and the effectiveness of those
2 programs, including programs to increase awareness of potential
3 measures to address relevant air quality issues; and

4 (6) the incidence of use of tobacco and tobacco
5 products by regions in this state, including use of cigarettes and
6 tobacco products by ethnicity.

7 SECTION 2. Section 161.253(a), Health and Safety Code, is
8 amended to read as follows:

9 (a) On conviction of an individual for an offense under
10 Section 161.252, the court shall suspend execution of sentence and
11 shall require the defendant to attend a tobacco awareness program,
12 which must include increasing the awareness of potential measures
13 to address relevant air quality issues, approved by the
14 commissioner. The court may require the parent or guardian of the
15 defendant to attend the tobacco awareness program with the
16 defendant.

17 SECTION 3. Section 161.301(a), Health and Safety Code, is
18 amended to read as follows:

19 (a) The commissioner shall develop and implement a public
20 awareness campaign designed to reduce tobacco use by minors in this
21 state. The campaign may use advertisements or similar media to
22 provide educational information about tobacco use. The
23 commissioner shall also determine and promote the implementation of
24 potential measures to address relevant air quality issues.

25 SECTION 4. Section 161.302(a), Health and Safety Code, is
26 amended to read as follows:

27 (a) The entity administering Section 161.301 shall also

1 develop and implement a grant program to support youth groups that
2 include as a part of the group's program components related to
3 reduction of tobacco use by the group's members, including
4 increasing the awareness of potential measures to address relevant
5 air quality issues.

6 SECTION 5. Section 161.354(c), Health and Safety Code, is
7 amended to read as follows:

8 (c) Information included in a report filed under this
9 subchapter is confidential if the department determines that there
10 is no reasonable scientific basis for concluding that the
11 availability of the information could reduce risks to public
12 health, including increasing the awareness of potential measures
13 to address relevant air quality issues.

14 SECTION 6. Subsections(a) and (d), Section 242.001, Health
15 and Safety Code, are amended to read as follows:

16 (a) It is the goal of this chapter to ensure that
17 institutions in this state deliver the highest possible quality of
18 care. This chapter, and the rules and standards adopted under this
19 chapter, establish minimum acceptable levels of care. A violation
20 of a minimum acceptable level of care established under this
21 chapter or a rule or standard adopted under this chapter is
22 forbidden by law. Each institution licensed under this chapter
23 shall, at a minimum, provide quality care in accordance with this
24 chapter and the rules and standards. Components of quality of care
25 addressed by these rules and standards include:

26 (1) quality of life;

27 (2) access to care;

- (3) continuity of care;
- (4) comprehensiveness of care;
- (5) coordination of services;
- (6) humaneness of treatment;
- (7) conservatism in intervention;
- (8) health and safety, including relevant air quality,
- of the environment;
- (9) professionalism of caregivers; and
- (10) participation in useful studies.

(d) The legislature finds that the construction, maintenance, and operation of institutions shall be regulated in a manner that protects the residents of the institutions by:

- (1) providing the highest possible quality of care;
- (2) strictly monitoring all factors relating to the health, safety, welfare, and dignity of each resident, including relevant air quality;
- (3) imposing prompt and effective remedies for noncompliance with licensing standards; and
- (4) providing the public with information concerning the operation of institutions in this state.

SECTION 7. Subsections (a) and (e), Section 242.037, Health and Safety Code, are amended to read as follows:

(a) The department shall make and enforce rules and minimum standards to implement this chapter, including rules and minimum standards relating to quality of life, quality of care, and residents' rights, including relevant air quality.

(e) In addition to standards or rules required by other

1 provisions of this chapter, the board shall adopt, publish, and
2 enforce minimum standards relating to:

3 (1) the construction of an institution, including
4 plumbing, heating, lighting, ventilation, and other housing
5 conditions, to ensure the residents' health, safety, comfort, and
6 protection from fire hazard, including relevant air quality;

7 (2) the regulation of the number and qualification of
8 all personnel, including management and nursing personnel,
9 responsible for any part of the care given to the residents;

10 (3) requirements for in-service education of all
11 employees who have any contact with the residents;

12 (4) training on the care of persons with Alzheimer's
13 disease and related disorders for employees who work with those
14 persons;

15 (5) sanitary and related conditions in an institution
16 and its surroundings, including water supply, sewage disposal, food
17 handling, and general hygiene in order to ensure the residents'
18 health, safety, and comfort;

19 (6) the nutritional needs of each resident according
20 to good nutritional practice or the recommendations of the
21 physician attending the resident;

22 (7) equipment essential to the residents' health and
23 welfare;

24 (8) the use and administration of medication in
25 conformity with applicable law and rules;

26 (9) care and treatment of residents and any other
27 matter related to resident health, safety, and welfare;

1 (10) licensure of institutions; and

2 (11) implementation of this chapter.

3 SECTION 8. Section 248.026(a), Health and Safety Code, is
4 amended to read as follows:

5 (a) The board shall adopt rules necessary to implement this
6 chapter. The rules must establish minimum standards for special
7 care facilities relating to:

8 (1) the issuance, renewal, denial, suspension, and
9 revocation of the license required by this chapter;

10 (2) the qualifications, duties, and supervision of
11 professional and nonprofessional personnel and volunteers;

12 (3) residents' rights;

13 (4) medical and nursing care and services provided by
14 a license holder;

15 (5) the organizational structure, lines of authority,
16 delegation of responsibility, and operation of a special care
17 facility;

18 (6) records of care and services kept by the license
19 holder, including the disposal or destruction of those records;

20 (7) health, safety, fire prevention, and sanitary
21 provisions, including relevant air quality;

22 (8) transfer of residents in a medically appropriate
23 manner from or to a special care facility;

24 (9) construction plan approval and inspection; and

25 (10) any aspects of a special care facility as
26 necessary to protect the public or residents of the facility.

27 SECTION 9. Subsections (a) and (b), Section 385.002, Health

and Safety Code, are amended to read as follows:

(a) The board by rule shall establish voluntary guidelines for indoor air quality in, and air quality of common outside areas connected to or immediately contiguous to indoor areas of, government buildings, including guidelines for ventilation and indoor air pollution control systems. The board may adopt other rules necessary to implement this chapter.

(b) In establishing the guidelines, the board shall consider:

(1) the potential chronic effects of air contaminants on human health;

(2) the potential effects of insufficient ventilation of the indoor, or immediately contiguous outdoor, environment on human health;

(3) the potential costs of health care for the short-term and long-term effects on human health that may result from exposure to indoor air contaminants; and

(4) the potential costs of compliance with a proposed guideline.

SECTION 10. The legislature finds that the quality of the air in appropriate places of employment and appropriate places that are accessible to the public shall be maintained and improved with effective and necessary measures, prescribed by statute or rule, that protect the general health, safety, and welfare.

SECTION 11. This Act takes effect September 1, 2011.