

## **BILL ANALYSIS**

H.B. 871  
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Licensing & Administrative Procedures  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, a person must be licensed to engage in mold assessment or mold remediation, and interested parties note that there have been reports of a lack of efficient and clear communication between license holders and their clients regarding mold remediation projects. The goal of H.B. 871 is to remedy the lack of communication by imposing certain requirements on a license holder before beginning a mold remediation project.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 4 of this bill.

### **ANALYSIS**

Section 531.0055, Government Code, as amended by Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, expressly grants to the executive commissioner of the Health and Human Services Commission all rulemaking authority for the operation of and provision of services by the health and human services agencies. Similarly, Sections 1.16-1.29, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, provide for the transfer of a power, duty, function, program, or activity from a health and human services agency abolished by that act to the corresponding legacy agency. To the extent practical, this bill analysis is written to reflect any transfer of rulemaking authority and to update references as necessary to an agency's authority with respect to a particular health and human services program.

H.B. 871 amends the Occupations Code to require a mold assessment or remediation license holder to provide a mold information sheet to the client and obtain a signed agreement with the property owner concerning the terms and scope of the mold remediation project before the remediation begins. The bill requires the Department of State Health Services to prescribe the form and content of the mold information sheet and requires the executive commissioner of the Health and Human Services Commission, not later than December 1, 2013, to adopt rules to implement this provision.

### **EFFECTIVE DATE**

September 1, 2013.