

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2148
By: Stephenson et al. (Kolkhorst)
Water, Agriculture & Rural Affairs
5/18/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Statement of Purpose

To ensure the owners, operators, and residents of public water suppliers are timely informed of dangerous amoebas that may contaminate their water supply.

Background

In September 2020, a brain-eating amoeba, *Naegleria fowleri*, was found to be present in the Brazosport Water Supply. Many public water supply customers of Brazosport were informed of the presence of *Naegleria fowleri* only after they heard news reports. Public water suppliers contacted legislators about concerns of timely notification. H.B. 2148 puts in place a duty of the Texas Commission on Environmental Quality (TCEQ) to notify public water suppliers once TCEQ detects or becomes aware of human infection (primarily amebic meningoencephalitis) caused by the presence of the *Naegleria fowleri* amoeba in a swimming pool, a freshwater lake used for swimming, a public drinking water source, or a park with splashpads or other outdoor features using freshwater for amusement purposes. Further, H.B. 2148 requires the Department of State Health Services (DSHS) to notify TCEQ.

Key Provisions

- Requires TCEQ to notify public water suppliers, once TCEQ detects or becomes aware of an accidental discharge or spill that threatens water that is a source for a public water system, of the accidental discharge or spill.
- The notification must occur not later than the time TCEQ notifies the news media of the accidental discharge or spill.

Changes in the Committee Substitute

- Senator Kolkhorst worked with TCEQ to ensure that the language is narrowly tailored to the problem of brain-eating amoebas.
- The committee substitute changes the bill to:
 - Require TCEQ to notify public water suppliers once TCEQ detects or becomes aware of human infection (primarily amebic meningoencephalitis) caused by the presence of the *Naegleria fowleri* amoeba in a swimming pool, a freshwater lake used for swimming, a public drinking water source, or a park with splashpads or other outdoor features using freshwater for amusement purposes.
 - Require DSHS to notify TCEQ.

C.S.H.B. 2148 amends current law relating to notification by the Department of State Health Services and the Texas Commission on Environmental Quality of incidents of *Naegleria fowleri*.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 341, Health and Safety Code, by adding Section 341.0646, as follows:

Sec. 341.0646. NOTIFICATION OF INCIDENTS OF NAEGLERIA FOWLERI. Requires the Department of State Health Services (DSHS), as soon as possible after DSHS detects or becomes aware of human infection, including primary amebic meningoencephalitis, caused by the presence of the Naegleria fowleri amoeba in a swimming pool, a freshwater lake used for swimming, a public drinking water source, or a park with splashpads or other outdoor features using freshwater for amusement purposes, to notify the Texas Commission on Environmental Quality (TCEQ). Requires TCEQ to notify the appropriate public water systems as soon as possible after receiving notice under this section.

SECTION 2. Effective date: upon passage or September 1, 2021.