

By: Hinojosa
(Jetton)

S.B. No. 2474

A BILL TO BE ENTITLED

AN ACT

relating to civil and administrative penalties assessed for violations of statutes or rules governing chemical dependency treatment facilities.

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

SECTION 1. Section 464.017(a), Health and Safety Code, is amended to read as follows:

(a) A person or facility is subject to a civil penalty of not more than \$25,000 for each day of violation and for each act of violation of this subchapter or a rule adopted under this subchapter. In determining the amount of the civil penalty, the court shall consider:

(1) the person's or facility's previous violations;

(2) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation;

(3) whether the health and safety of the public was threatened by the violation;

(4) the demonstrated good faith of the person or facility; ~~and~~

(5) the amount necessary to deter future violations;

(6) the person's or facility's ability to pay the penalty; and

(7) if the person's or facility's license is not revoked under Section 464.014 because of the violation, the ability

1 of the person or facility to continue providing services under this
2 chapter after paying the penalty.

3 SECTION 2. Sections 464.019(c) and (s), Health and Safety
4 Code, are amended to read as follows:

5 (c) The amount of the penalty shall be based on:

6 (1) the seriousness of the violation, including the
7 nature, circumstances, extent, and gravity of any prohibited acts,
8 and the hazard or potential hazard created to the health, safety, or
9 economic welfare of the public;

10 (2) enforcement costs relating to the violation;

11 (3) the history of previous violations;

12 (4) the amount necessary to deter future violations;

13 (5) efforts to correct the violation; ~~and~~

14 (6) the person's ability to pay the penalty;

15 (7) if the person's license is not revoked under
16 Section 464.014 because of the violation, the person's ability to
17 continue providing services under this chapter after paying the
18 penalty;

19 (8) the degree of the person's culpability in causing
20 the violation; and

21 (9) any other matter that justice may require.

22 (s) The commission shall post on the commission's Internet
23 website current administrative penalty schedules applicable to a
24 person licensed or regulated under this chapter. The commission
25 shall ensure that the administrative penalties listed in the posted
26 schedules are accurate. The administrative penalty schedules must
27 be based on a consideration of the economic impact of a penalty

1 assessed against a person licensed or regulated under this chapter
2 and the factors described by Subsection (c).

3 SECTION 3. The changes in law made by this Act apply only to
4 a violation that occurs on or after the effective date of this Act.
5 A violation that occurred before the effective date of this Act is
6 governed by the law in effect when the violation occurred, and the
7 former law is continued in effect for that purpose.

8 SECTION 4. This Act takes effect September 1, 2023.