

1-1 By: Hinojosa S.B. No. 2474  
 1-2 (In the Senate - Filed March 10, 2023; March 23, 2023, read  
 1-3 first time and referred to Committee on Health & Human Services;  
 1-4 April 24, 2023, reported favorably by the following vote: Yeas 6,  
 1-5 Nays 0; April 24, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15			X	
1-16			X	

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to civil and administrative penalties assessed for  
 1-20 violations of statutes or rules governing chemical dependency  
 1-21 treatment facilities.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 464.017(a), Health and Safety Code, is  
 1-24 amended to read as follows:

1-25 (a) A person or facility is subject to a civil penalty of not  
 1-26 more than \$25,000 for each day of violation and for each act of  
 1-27 violation of this subchapter or a rule adopted under this  
 1-28 subchapter. In determining the amount of the civil penalty, the  
 1-29 court shall consider:

1-30 (1) the person's or facility's previous violations;

1-31 (2) the seriousness of the violation, including the  
 1-32 nature, circumstances, extent, and gravity of the violation;

1-33 (3) whether the health and safety of the public was  
 1-34 threatened by the violation;

1-35 (4) the demonstrated good faith of the person or  
 1-36 facility; ~~and~~

1-37 (5) the amount necessary to deter future violations;

1-38 (6) the person's or facility's ability to pay the  
 1-39 penalty; and

1-40 (7) if the person's or facility's license is not  
 1-41 revoked under Section 464.014 because of the violation, the ability  
 1-42 of the person or facility to continue providing services under this  
 1-43 chapter after paying the penalty.

1-44 SECTION 2. Sections 464.019(c) and (s), Health and Safety  
 1-45 Code, are amended to read as follows:

1-46 (c) The amount of the penalty shall be based on:

1-47 (1) the seriousness of the violation, including the  
 1-48 nature, circumstances, extent, and gravity of any prohibited acts,  
 1-49 and the hazard or potential hazard created to the health, safety, or  
 1-50 economic welfare of the public;

1-51 (2) enforcement costs relating to the violation;

1-52 (3) the history of previous violations;

1-53 (4) the amount necessary to deter future violations;

1-54 (5) efforts to correct the violation; ~~and~~

1-55 (6) the person's ability to pay the penalty;

1-56 (7) if the person's license is not revoked under  
 1-57 Section 464.014 because of the violation, the person's ability to  
 1-58 continue providing services under this chapter after paying the  
 1-59 penalty;

1-60 (8) the degree of the person's culpability in causing  
 1-61 the violation; and

2-1                   (9) any other matter that justice may require.  
2-2           (s) The commission shall post on the commission's Internet  
2-3 website current administrative penalty schedules applicable to a  
2-4 person licensed or regulated under this chapter. The commission  
2-5 shall ensure that the administrative penalties listed in the posted  
2-6 schedules are accurate. The administrative penalty schedules must  
2-7 be based on a consideration of the economic impact of a penalty  
2-8 assessed against a person licensed or regulated under this chapter  
2-9 and the factors described by Subsection (c).

2-10           SECTION 3. The changes in law made by this Act apply only to  
2-11 a violation that occurs on or after the effective date of this Act.  
2-12 A violation that occurred before the effective date of this Act is  
2-13 governed by the law in effect when the violation occurred, and the  
2-14 former law is continued in effect for that purpose.

2-15           SECTION 4. This Act takes effect September 1, 2023.

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