**BILL ANALYSIS**

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| Senate Research Center | S.B. 779 |
| 89R867 SCL-F | By: Middleton |
|  | State Affairs |
|  | 3/14/2025 |
|  | As Filed |

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Public nuisance law has evolved from addressing traditional concerns, such as blocking roads or noise violations, to being used against businesses for broader alleged societal harms such as the opioid crisis and climate change. Courts are making policy decisions through each lawsuits instead of elected officials passing laws, or leaving otherwise legal activities to be regulated by their authorized agencies.

S.B. 779 aims to limit the use of public nuisance claims. The primary problem is that in many cases public nuisance is used to penalize legal behavior or business conduct that is already regulated. If passed, actions authorized, licensed, approved, or mandated by statute, ordinance, regulation, permit, order, rule, or similar measure issued by government entities or a political subdivision will no longer continue to face public nuisance threats. Public nuisance claims will not amount to any private nuisance claims or injuries to individuals.

As proposed, S.B. 779 amends current law relating to common law public nuisance claims.

**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 Title 4, Civil Practice and Remedies Code, by adding Chapter 100C, as follows:

CHAPTER 100C. CIVIL ACTIONS RELATED TO PUBLIC NUISANCES

Sec. 100C.001. DEFINITION. Defines "public nuisance claim."

Sec. 100C.002. LIMITATIONS ON COMMON LAW NUISANCE CLAIMS. (a) Provides that a public nuisance claim is not cognizable in this state if it seeks relief arising from:

(1) an action or condition that is authorized, licensed, approved, or mandated by a statute, ordinance, regulation, permit, order, rule, or other similar measure issued, adopted, promulgated, or approved by the federal government, a federal agency, a state, a state agency, or a political subdivision;

(2) an action or condition that occurs or exists in a context where a statutory cause of action or administrative enforcement mechanism already exists to address conduct that is injurious to the public; or

(3) a product or a claim based on the manufacturing, distributing, selling, labeling, or marketing of a product, regardless of whether the product is defective.

(b) Provides that the aggregation of multiple injuries to individuals or of private nuisances does not constitute a public nuisance or give rise a public nuisance claim.

(c) Prohibits this section from being construed to limit a claimant from obtaining relief provided by other law.

Sec. 100C.003. RELATIONSHIP TO COMMON LAW. Provides that, to the extent of a conflict between this chapter and the common law of public nuisance, this chapter controls. Provides that, otherwise, this chapter supplements the common law of public nuisance, both as to the claim and defenses.

SECTION 2. Makes application of Chapter 100C, Civil Practice and Remedies Code, as added by this Act, prospective.

SECTION 3. Effective date: upon passage or September 1, 2025.