By:  Middleton S.B. No. 779

(In the Senate - Filed January 14, 2025; February 7, 2025, read first time and referred to Committee on State Affairs; March 31, 2025, reported adversely, with favorable Committee Substitute by the following vote: Yeas 7, Nays 1; March 31, 2025, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Hughes               X

Paxton                   X

Bettencourt          X

Birdwell             X

Hall                 X

Hinojosa of Nueces   X

Middleton            X

Parker               X

Perry                          X

Schwertner                     X

Zaffirini                      X

COMMITTEE SUBSTITUTE FOR S.B. No. 779 By:  Middleton

A BILL TO BE ENTITLED

AN ACT

relating to common law public nuisance claims.

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

SECTION 1.  Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 100C to read as follows:

CHAPTER 100C. CIVIL ACTIONS RELATED TO PUBLIC NUISANCES

Sec. 100C.001.  DEFINITION. In this chapter, "public nuisance claim" means a request in a civil action brought by a private party or a political subdivision of this state to recover damages, abatement, or other relief for a public nuisance under the common law of this state, whether asserted as a cause of action or an injury.

Sec. 100C.002.  LIMITATIONS ON COMMON LAW PUBLIC NUISANCE CLAIMS. (a) 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, this state, or an agency or political subdivision of this state;

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

(c)  This section may not be construed to limit a claimant from obtaining relief provided by other law.

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

SECTION 2.  Chapter 100C, Civil Practice and Remedies Code, as added by this Act, applies only to an action filed on or after the effective date of this Act.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2025.

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