

By: Zwiener

H.B. No. 2870

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to water breaks for construction employees of contractors  
3 contracting with a governmental entity; providing an  
4 administrative penalty.

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

6 SECTION 1. Subchapter Z, Chapter 2252, Government Code, is  
7 amended by adding Section 2252.911 to read as follows:

8 Sec. 2252.911. WATER BREAKS REQUIRED FOR CONSTRUCTION  
9 EMPLOYEES UNDER CONTRACTS WITH GOVERNMENTAL ENTITIES. (a) In this  
10 section:

11 (1) "Construction contract" means a contract or  
12 agreement for the performance of general construction.

13 (2) "Contractor" means a person, firm, or corporation  
14 contracting with a governmental entity for general construction.

15 (3) "Employee" means an individual paid by a  
16 contractor or subcontractor to perform general construction work or  
17 services.

18 (4) "General construction" means:

19 (A) erecting or preparing to erect a structure,  
20 including a building, bridge, roadway, public utility facility, and  
21 related structure;

22 (B) remodeling, extending, repairing, or  
23 demolishing a structure; or

24 (C) otherwise improving real property or a

1 structure on real property.

2 (5) "Governmental entity" means:

3 (A) a board, commission, department, office, or  
4 other agency in the executive branch of state government; or

5 (B) a political subdivision of this state,  
6 including a municipality, county, public school district, or  
7 special-purpose district or authority.

8 (6) "Water break" means a break during work hours for  
9 an employee to consume water. The term does not include a regular  
10 meal period a contractor or subcontractor provides to an employee.

11 (b) A governmental entity contracting with a contractor  
12 shall require the contractor and any subcontractor to provide to  
13 each employee performing work under the contract at least a  
14 10-minute paid water break during every four-hour work period. A  
15 contractor or subcontractor is not required to provide water to an  
16 employee during a water break required under this section.

17 (c) Each construction contract with a governmental entity  
18 must include terms that:

19 (1) authorize an employee of a contractor or  
20 subcontractor required to work without a water break in violation  
21 of Subsection (b) to submit a verbal or written complaint to the  
22 governmental entity contracting with the contractor;

23 (2) require, on confirmation of a violation of  
24 Subsection (b) as alleged in the complaint, the governmental entity  
25 to provide to the contractor written notice of the violation by hand  
26 delivery or certified mail;

27 (3) inform the contractor the governmental entity is

1 authorized to impose an administrative penalty if the contractor  
2 fails to comply with Subsection (b) after the date on which the  
3 contractor receives notice under Subdivision (2); and

4 (4) state that an imposed penalty amount may be  
5 withheld from a payment otherwise owed to a contractor under the  
6 contract.

7 (d) In accordance with a construction contract governed by  
8 this section, the governmental entity may impose an administrative  
9 penalty in an amount of not less than \$100 and not more than \$500 per  
10 day if a contractor requires any employee to work without a water  
11 break in violation of Subsection (b). A proceeding under this  
12 section to impose an administrative penalty is a contested case  
13 under Chapter 2001.

14 (e) Each governmental entity shall develop procedures for  
15 the administration of this section.

16 (f) This section does not preempt a local ordinance, rule,  
17 or other measure a political subdivision of this state adopts  
18 requiring water breaks in accordance with a construction contract  
19 that is compatible with and equal to or more stringent than the  
20 provisions of this section.

21 SECTION 2. Section 2252.911, Government Code, as added by  
22 this Act, applies only to a contract for which the solicitation of  
23 qualifications, proposals, or other similar expressions of  
24 interest is published on or after the effective date of this Act.

25 SECTION 3. This Act takes effect September 1, 2025.