CHAPTER 917

H.B. No. 1376

AN ACT
relating to advertising by certain facilities that provide emergency services; providing an administrative penalty.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 241, Health and Safety Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. FREESTANDING EMERGENCY MEDICAL CARE FACILITIES ASSOCIATED WITH LICENSED HOSPITALS

Sec. 241.181. APPLICABILITY. This subchapter applies only to a freestanding emergency medical care facility, as that term is defined by Section 254.001, that is exempt from the licensing requirements of Chapter 254 under Section 254.052(7) or (8).

Sec. 241.182. ADVERTISING. A facility described by Section 241.181 may not advertise or hold itself out as a medical office, facility, or provider other than an emergency room if the facility charges for its services the usual and customary rate charged for the same service by a hospital emergency room in the same region of the state or located in a region of the state with comparable rates for emergency health care services.

Sec. 241.183. POSTED NOTICE. Subject to Section 241.006, the department shall adopt rules for a notice to be posted in a conspicuous place in the facility described by Section 241.181 that notifies prospective patients that the facility is an emergency room and charges rates comparable to a hospital emergency room.

Sec. 241.184. ADMINISTRATIVE PENALTY. The commissioner of health may assess an administrative penalty under Section 241.059 against a hospital that violates this subchapter.

SECTION 2. As soon as practicable after the effective date of this Act, the Department of State Health Services shall adopt rules relating to the notice required under Section 241.183, Health and Safety Code, as added by this Act.

SECTION 3. This Act takes effect September 1, 2013.

Passed by the House on May 2, 2013: Yeas 147, Nays 0, 2 present, not voting; passed by the Senate on May 22, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.
Effective September 1, 2013.

CHAPTER 918

H.B. No. 1392

AN ACT
relating to information provided by the Department of State Health Services on food regulation.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 438, Health and Safety Code, is amended by adding Subchapter H to read as follows:

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SUBCHAPTER H. INFORMATION ON DEPARTMENT FOOD REGULATION

Sec. 438.151. DEFINITIONS. In this subchapter:
(1) “Department” means the Department of State Health Services.
(2) “Executive commissioner” means the executive commissioner of the Health and Human Services Commission.

Sec. 438.152. REQUEST FOR INFORMATION. Unless otherwise prohibited by state or federal law, on receipt of a written request for information pertaining to the regulation of food under this subtitle, the department shall provide a reasonable and substantial response to the request not later than the 30th day after the date the department receives the request.

Sec. 438.153. REQUEST FOR OFFICIAL DETERMINATION. (a) On receipt of a written request regarding the applicability to a specific circumstance of a regulation or the requirements for compliance with the regulation, the department shall provide an official written determination regarding the applicability of the regulation or the requirements for compliance with the regulation to the requestor not later than the 30th day after the date the department receives the request.

(b) An official determination made under this section is valid until the regulation that is the subject of the determination is amended by statute or department rule.

Sec. 438.154. EFFECT OF OFFICIAL DETERMINATION. An inspector may not issue to a person a citation for a violation of a food regulation governed by this subtitle if the person provides the inspector with an official determination made under Section 438.153 that contradicts the opinion of the inspector.

Sec. 438.155. RULES. (a) The executive commissioner shall adopt rules to implement this subchapter.

(b) The executive commissioner periodically shall evaluate the department’s food safety rules and modify the rules as necessary to improve consistency and communication in food regulation in this state.

SECTION 2. (a) Not later than December 1, 2013, the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement Subchapter H, Chapter 438, Health and Safety Code, as added by this Act.

(b) This Act applies only to a request for information or official determination made under Subchapter H, Chapter 438, Health and Safety Code, as added by this Act, to the Department of State Health Services on or after January 1, 2014. A request for information or official determination made to the Department of State Health Services before January 1, 2014, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

Passed by the House on May 7, 2013: Yeas 143, Nays 0. 2 present, not voting; passed by the Senate on May 22, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 919

H.B. No. 1394

AN ACT
relating to the sunset review of certain powers and duties performed by the Department of State Health Services.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 11.003, Health and Safety Code, is amended to read as follows: