

BILL ANALYSIS

Senate Research Center
76R6363 JRD-F

H.B. 2013
By: Hilderbran (Madla)
Health Services
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Engrossed

DIGEST

Until 1995, the quality of bottled and vended water in Texas was overseen by the Department of Health (TDH). When authority for enforcing regulations on drinking water from municipalities was transferred to the Texas Natural Resource Conservation Commission by a memorandum of understanding in 1995, the regulation of bottled and vended water was not addressed. This resulted in TDH losing its authority to continue to administer the operator certification program for bottled and vended water. This bill would restore the authority of TDH to administer the operator certification program for bottled and vended water and provides fees to sustain this service.

PURPOSE

As proposed, H.B. 2013 restores the authority of the Department of Health to administer the operator certification program for bottled and vended water and provides fees to sustain this service.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Department of Health in SECTION 1 (Section 441.003, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 6A, Health and Safety Code, by adding Chapter 441, as follows:

CHAPTER 441. REGULATION OF BOTTLED AND VENDED DRINKING WATER

Sec. 441.001. DEFINITION. Defines “department.”

Sec. 441.002. CERTIFICATION OF BOTTLED AND VENDED WATER OPERATORS. Prohibits a bottled or vended water operator (operator) from furnishing or distributing bottled or vended water (water) unless the operator holds a certificate of competency under this chapter. Prohibits a person from furnishing water to the public or for distribution to the public unless the processing, bottling, and distribution of the water are performed by or under the supervision of an operator who holds a certificate of competency under this chapter. Requires an applicant to pay the Department of Health (TDH) a \$25 fee to obtain or renew a certificate of competency. Requires TDH, on receipt of the required fee, to provide for the testing of the applicant and issue a certificate of competency if the applicant passes the test.

Sec. 441.003. RULES. Authorizes TDH to adopt rules necessary to implement this chapter, which may include rules relating to certificate suspension, revocation, or other disciplinary action and relating to certificate renewal.

SECTION 2. (a) Effective date: September 1, 1999.

(b) Provides that Chapter 441, Health and Safety Code, does not apply to bottled or vended water produced before December 1, 1999.

SECTION 3. Emergency clause.