

BILL ANALYSIS

Senate Research Center
77R4561 JAT-D

S.B. 766
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Health & Human Services
3/8/2001
As Filed

DIGEST AND PURPOSE

Current Texas law authorizes a variety of enforcement sanctions regarding the processing and packaging of meat and poultry products. However, it does not provide for injunctive relief or civil penalties from a court in the case of an imminent threat to the public's health or safety or an inspector's personal safety. As proposed, S.B. 766 authorizes the Texas Department of Health to pursue injunctive relief and civil penalties through a court.

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 Chapter 433F, Health and Safety Code, by adding Section 433.099, as follows:

Sec. 433.099. CIVIL PENALTY; INJUNCTION. (a) Authorizes the commissioner of health (commissioner), if it appears that a person is violating or has violated this chapter or a rule under this chapter, to request the attorney general or the district attorney, county attorney, or municipal attorney in the jurisdiction where the violation is alleged to have occurred, is occurring, or may occur to institute a civil suit for certain purposes.

(b) Prohibits a civil penalty from exceeding \$10,000 a day for each violation. Provides that each day the violation occurs constitutes a separate violation for the purposes of assessment of a civil penalty.

(c) Requires the court, in determining the amount of the civil penalty, to consider certain information.

(d) Provides that the venue for a suit brought under this section is in the county in which the violation occurred or in Travis County.

(e) Requires a civil penalty recovered in a suit instituted by a local government under this chapter to be paid to the local government.

(f) Authorizes the commissioner or attorney general to recover reasonable expenses incurred in obtaining injunctive relief or a civil penalty under this section, including court costs, attorney's fees, and other expenses. Authorizes the expenses recovered by the commissioner under this section to be used for the administration and enforcement of this chapter. Authorizes the attorney general to use recovered expenses for any purpose.

SECTION 2. Effective date: September 1, 2001.

Makes application of this Act prospective.