

## BILL ANALYSIS

Senate Research Center

H.B. 1752  
By: Davis, John (Estes)  
Health & Human Services  
5/2/2005  
Engrossed

### AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, the Health and Safety Code prohibits a person from selling second-hand bedding unless the bedding has been germicidally treated by a method approved by the Department of State Health Services [formerly the Department of Health] (DSHS). DSHS has promulgated sanitary premises rules regulating the premises where the application of germicidal treatment is made.

In the case of a premises where ten or fewer articles of bedding per week are treated, the DSHS rules are unnecessary. H.B. 1754 exempts those premises from some of DSHS's sanitary premises rules.

### RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Board of Health is transferred to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 345.0435, Health and Safety Code) of this bill.

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 345.045, Health and Safety Code) of this bill.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 345.0435(a), Health and Safety Code, to require the executive commissioner of the Health and Human Services Commission (executive commissioner), rather than the Texas Board of Health, to adopt rules necessary to implement this subchapter, including requirements for the issuance, renewal, denial, suspension, and revocation of a permit issued under this subchapter.

SECTION 2. Amends Subchapter C, Chapter 345, Health and Safety Code, by adding Section 345.045, as follows:

Sec. 345.045. MINIMUM SANITARY STANDARDS FOR GERMICIDAL TREATMENT PERMIT. (a) Requires the holder of a germicidal treatment permit to maintain the permit holder's place of business in a sanitary condition free from refuse, dirt contamination, insects, and vermin.

(b) Authorizes the executive commissioner, by rule, to establish additional requirements regulating the sanitary condition of a permit holder's place of business. Exempts the holder of a germicidal treatment permit who germicidally treats not more than 10 items at the permit holder's place of business each week from any additional requirements regulating the sanitary condition of a permit holder's place of business adopted under this subsection.

SECTION 3. Effective date: September 1, 2005.