

**SUBJECT:** Making breeding areas of any mosquito species a public health nuisance

**COMMITTEE:** Public Health — committee substitute recommended

**VOTE:** 10 ayes — Crossover, Naishtat, Blanco, Collier, S. Davis, Guerra, R. Miller, Sheffield, Zedler, Zerwas

0 nays

1 absent — Coleman

**WITNESSES:** For — David Jefferson, Tarrant County Public Health; (*Registered, but did not testify*: Seth Mitchell, Bexar County Commissioners Court; Mark Mendez, Tarrant County Commissioners Court; Duane Galligher, Texas Environmental Health Association; Kari Fay, Texas Medical Association; Grace Chimene)

Against — (*Registered, but did not testify*: Dan Overlander; Aldas Ridgley; Julie Williams)

**BACKGROUND:** Health and Safety Code, Title 5, Subtitle A governs sanitation and contains two sections that regulate nuisances caused by conditions that harbor mosquitoes or allow them to breed.

Sec. 341.011(7) defines as a public health nuisance a collection of water in which mosquitoes are breeding within a municipality or any collection of water that is a breeding area for disease-transmitting *Culex quinquefasciatus* mosquitoes, unless the water is located on property where certain agricultural activities are taking place.

Sec. 343.011, which applies only to the unincorporated area of a county, states that a person may not cause, permit, or allow a public nuisance that results from premises maintained in a way that creates an unsanitary condition likely to attract or harbor mosquitoes.

**DIGEST:** CSHB 819 would change the definition of a mosquito breeding area

considered a public health nuisance under Health and Safety Code, sec. 341.011(7). A collection of water would be a nuisance if it was a breeding area for any type of mosquito. The code no longer would specify that the mosquito inhabiting the breeding area must be of the *Culex quinquefasciatus* species.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

**SUPPORTERS  
SAY:**

CSHB 819 would align an area of public nuisance law with common practice, while updating and clarifying the law for those individuals who abide by the code as written.

The bill would make certain laws related to nuisances involving mosquitoes more consistent. Health and Safety Code, sec. 341.011(7) establishes as a type of public health nuisance collections of water that are a breeding area for only one species of mosquito, but sec. 343.011 does not limit a public nuisance in unincorporated areas to only one type of mosquito. It appears that most individuals responsible for abating collections of water that are breeding areas for mosquitoes already do so regardless of the mosquito species, and CSHB 819 simply would codify this practice.

The bill also would update the law for those who abate breeding areas of only the *Culex quinquefasciatus* species of mosquito. In 2013, Texas had 183 identified cases of West Nile infection, resulting in 14 deaths. Current statute specifies only one species of mosquito that in the past was thought to be the sole vector for West Nile virus. However, recent research has shown that about 65 species can carry the virus. Many other mosquito-borne diseases, including chikungunya virus, dengue fever, and Saint Louis encephalitis virus, are transmitted by various species of mosquitoes, and having fewer breeding areas would reduce the risk of an outbreak of these diseases. CSHB 819 would modernize the code to reflect current scientific knowledge and would protect Texans from numerous diseases by requiring abatement of breeding areas of all mosquito types. The bill

also would save money by eliminating the need to test and identify a mosquito species before abating a breeding area.

Broadening the existing public health nuisance law to apply to all mosquito species would not inconvenience those who would be required to abate the nuisance. Only a small segment of the population does not abide by the practice of eliminating all mosquito breeding areas, and maintaining premises in a way that harbors any type of mosquito already is prohibited in certain areas under Health and Safety Code, sec. 343.011.

OPPONENTS  
SAY:

CSHB 819 could be problematic because it would mean that more mosquito breeding areas had to be abated than those mandated by current law. Increasing the number of nuisances to be eliminated would be inconvenient for those who currently follow the code as written and abate breeding areas of only the *Culex quinquefasciatus* mosquito.