

BILL ANALYSIS

Senate Research Center
81R8466 EAH-D

S.B. 893
By: Nelson
Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law does not address the issue of an authority of a county to regulate and inspect day-care centers and group day-care homes.

As proposed, S.B. 893 provides for regulation of day-care centers and group day-care homes in a county with a population of 70,000 or more. This bill also provides a criminal penalty for a day-care center or group day-care home in violation of this subchapter or a rule or order adopted under this subchapter, and provides that an offense is a Class C misdemeanor.

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 234, Local Government Code, by adding Subchapter C, as follows:

SUBCHAPTER C. REGULATION OF DAY-CARE CENTERS AND GROUP DAY-CARE HOMES LOCATED IN UNINCORPORATED AREAS

Sec. 234.051. DEFINITIONS. Defines "day-care center," and "group day-care home."

Sec. 234.052. APPLICABILITY. Provides that this subchapter applies only to a county with a population of 700,000 or more.

Sec. 234.053. COUNTY MAY REQUIRE CERTIFICATE. Authorizes the commissioners court of a county (commissioners court) by order to require a day-care center or group day-care home located in an unincorporated area of the county to obtain a health and sanitation certificate from the county.

Sec. 234.054. FACILITY INSPECTION FOR CERTIFICATE ISSUED BY COUNTY.
(a) Authorizes a county health officer or official designated by the commissioners court to conduct an inspection of a day-care center or group day-care home before issuing a certificate under Section 234.053.

(b) Authorizes the county to charge a fee to a day-care center or group day-care home for an inspection conducted under this section in an amount determined by the commissioners court to cover the cost of the inspection.

Sec. 234.055. RULES. Authorizes the commissioners court to adopt rules as necessary to administer this subchapter.

Sec. 234.056. INJUNCTION. Authorizes a district or county attorney to bring suit to enjoin the operation of a day-care center or group day-care home in violation of this subchapter or a rule or order adopted under this subchapter.

Sec. 234.057. OFFENSE. Provides that a person commits an offense if a person violates a provision of this subchapter or a rule or order adopted under this subchapter. Provides that an offense under this section is a Class C misdemeanor.

SECTION 2. Amends Chapter 234, Local Government Code, by adding Subchapter D, as follows:

SUBCHAPTER D. COUNTY INSPECTION OF DAY-CARE CENTERS AND GROUP DAY-CARE HOMES LOCATED IN MUNICIPALITIES

Sec. 234.071. DEFINITIONS. Defines "day-care center" and "group day-care home."

Sec. 234.072. APPLICABILITY. Provides that this subchapter applies only to a county with a population of 700,000 or more.

Sec. 234.073. FACILITY INSPECTION REQUIRED BY MUNICIPALITY. Authorizes a county health officer or official designated by the commissioners court to contract with a municipality for the county to conduct an inspection required by the municipality of a day-care center or group day-care home located in the municipality.

SECTION 3. Effective date: upon passage or September 1, 2009.