

BILL ANALYSIS

Senate Research Center
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H.B. 3547
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

On February 24, 2011, a fire filled the home of a home day-care facility in Houston. The unfortunate effect of this fire was the death of three infants and serious injury to four other children. Following the fire, local fire officials investigated the fire and surmised that the smoke detectors in the facility were inadequate and that the event may have been preventable. Additionally, they determined that they did not have the necessary authority to inspect such facilities to ensure that a similar event did not occur again.

H.B. 3547 provides local officials the ability to inspect and enforce state law and rules regarding fire safety standards at a licensed group day-care home or registered family home. Additionally, the bill requires local officials to report any violations observed to the Health and Human Services Commission.

[**Note:** While the statutory reference in this bill is to the Texas Department of Human Services (DHS), the following amendments affect the Texas Health and Human Services Commission, as the successor agency to DHS.]

H.B. 3547 amends current law relating to enforcement by a local government of fire safety standards at certain child-care facilities.

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 Subchapter C, Chapter 42, Human Resources Code, by adding Section 42.04431, as follows:

Sec. 42.04431. ENFORCEMENT OF STATE LAW BY COUNTY OR MUNICIPALITY. (a) Authorizes a municipality or a county to enforce state law and rules adopted under state law concerning fire safety standards at a licensed group day-care home or a registered family home.

(b) Requires a municipality or county to report to the Texas Department of Human Services any violation of fire safety standards observed by the municipality or county at a licensed group day-care home or registered family home.

SECTION 2. Effective date: September 1, 2011.