

1 AN ACT

2 relating to coordinated inspection of certain child-care
3 facilities for compliance with fire safety and sanitation
4 standards.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter C, Chapter 42, Human Resources Code,
7 is amended by adding Section 42.0443 to read as follows:

8 Sec. 42.0443. COORDINATION OF FIRE SAFETY AND SANITATION
9 INSPECTIONS. (a) The department may not inspect a licensed
10 day-care center, licensed group day-care home, or registered family
11 home for compliance with the department's fire safety or
12 sanitation standards if the facility, at the time of the
13 department's inspection, provides the department with
14 documentation relating to a current fire safety or sanitation
15 inspection, as applicable, performed by a political subdivision of
16 this state that indicates that the facility is in compliance with
17 the applicable standards of the political subdivision.

18 (b) If the documentation provided under Subsection (a)
19 indicates that the facility was required to take corrective action
20 or that the political subdivision imposed a restriction or
21 condition on the facility, the department shall determine whether
22 the facility took the required corrective action or complied with
23 the restriction or condition.

24 (c) The department may inspect a facility subject to this

1 section for compliance with the department's fire safety or
2 sanitation standards if:

3 (1) the facility does not provide the documentation
4 described by Subsection (a); or

5 (2) the department determines that the facility did
6 not take a corrective action or comply with a restriction or
7 condition described by Subsection (b).

8 (d) Notwithstanding any other provision of this section,
9 the department shall report to the appropriate political
10 subdivision any violation of fire safety or sanitation standards
11 observed by the department at a facility subject to this section.

12 (e) The department shall adopt rules necessary to implement
13 this section.

14 SECTION 2. This Act takes effect September 1, 2003.

David Newkum

President of the Senate

Jim Cullin

Speaker of the House

I certify that H.B. No. 2866 was passed by the House on May 2, 2003, by the following vote: Yeas 126, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2866 on May 30, 2003, by the following vote: Yeas 145, Nays 0, 3 present, not voting.

Robert Hawey

Chief Clerk of the House

I certify that H.B. No. 2866 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Patsy Saw

Secretary of the Senate

APPROVED: 20 JUN '03

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:30 AM O'CLOCK

John Shea
JUN 20 2003
Secretary of State