

1-1 By: Hinojosa of Hidalgo S.B. No. 437  
1-2 (In the Senate - Filed November 21, 2024; February 3, 2025,  
1-3 read first time and referred to Committee on Health & Human  
1-4 Services; April 14, 2025, reported favorably by the following  
1-5 vote: Yeas 9, Nays 0; April 14, 2025, sent to printer.)

1-6 COMMITTEE VOTE

1-7	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to civil and administrative penalties assessed for  
1-20 violations of statutes or rules governing chemical dependency  
1-21 treatment facilities.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 464.017(a), Health and Safety Code, is  
1-24 amended to read as follows:

1-25 (a) A person or facility is subject to a civil penalty of not  
1-26 more than \$25,000 for each day of violation and for each act of  
1-27 violation of this subchapter or a rule adopted under this  
1-28 subchapter. In determining the amount of the civil penalty, the  
1-29 court shall consider:

1-30 (1) the person's or facility's previous violations;

1-31 (2) the seriousness of the violation, including the  
1-32 nature, circumstances, extent, and gravity of the violation;

1-33 (3) whether the health and safety of the public was  
1-34 threatened by the violation;

1-35 (4) the demonstrated good faith of the person or  
1-36 facility; ~~and~~

1-37 (5) the amount necessary to deter future violations;

1-38 (6) the person's or facility's ability to pay the  
1-39 penalty; and

1-40 (7) if the person's or facility's license is not  
1-41 revoked under Section 464.014 because of the violation, the ability  
1-42 of the person or facility to continue providing services under this  
1-43 chapter after paying the penalty.

1-44 SECTION 2. Sections 464.019(c) and (s), Health and Safety  
1-45 Code, are amended to read as follows:

1-46 (c) The amount of the penalty shall be based on:

1-47 (1) the seriousness of the violation, including the  
1-48 nature, circumstances, extent, and gravity of any prohibited acts,  
1-49 and the hazard or potential hazard created to the health, safety, or  
1-50 economic welfare of the public;

1-51 (2) enforcement costs relating to the violation;

1-52 (3) the history of previous violations;

1-53 (4) the amount necessary to deter future violations;

1-54 (5) efforts to correct the violation; ~~and~~

1-55 (6) the person's ability to pay the penalty;

1-56 (7) if the person's license is not revoked under  
1-57 Section 464.014 because of the violation, the person's ability to  
1-58 continue providing services under this chapter after paying the  
1-59 penalty;

1-60 (8) the degree of the person's culpability in causing  
1-61 the violation; and

2-1           (9) any other matter that justice may require.

2-2           (s) The commission shall post on the commission's Internet  
2-3 website current administrative penalty schedules applicable to a  
2-4 person licensed or regulated under this chapter. The commission  
2-5 shall ensure that the administrative penalties listed in the posted  
2-6 schedules are accurate. The administrative penalty schedules must  
2-7 consider the economic impact of an assessed penalty on a person  
2-8 licensed or regulated under this chapter and the factors described  
2-9 by Subsection (c).

2-10           SECTION 3. The changes in law made by this Act apply only to  
2-11 a violation that occurs on or after the effective date of this Act.  
2-12 A violation that occurred before the effective date of this Act is  
2-13 governed by the law in effect when the violation occurred, and the  
2-14 former law is continued in effect for that purpose.

2-15           SECTION 4. This Act takes effect September 1, 2025.

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