

1-1 By: Middleton S.B. No. 779  
1-2 (In the Senate - Filed January 14, 2025; February 7, 2025,  
1-3 read first time and referred to Committee on State Affairs;  
1-4 March 31, 2025, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 1; March 31, 2025,  
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Hughes	X			
1-10	Paxton		X		
1-11	Bettencourt	X			
1-12	Birdwell	X			
1-13	Hall	X			
1-14	Hinojosa of Nueces	X			
1-15	Middleton	X			
1-16	Parker	X			
1-17	Perry			X	
1-18	Schwertner			X	
1-19	Zaffirini			X	

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 779 By: Middleton

1-21 A BILL TO BE ENTITLED  
1-22 AN ACT

1-23 relating to common law public nuisance claims.  
1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-25 SECTION 1. Title 4, Civil Practice and Remedies Code, is  
1-26 amended by adding Chapter 100C to read as follows:  
1-27 CHAPTER 100C. CIVIL ACTIONS RELATED TO PUBLIC NUISANCES  
1-28 Sec. 100C.001. DEFINITION. In this chapter, "public  
1-29 nuisance claim" means a request in a civil action brought by a  
1-30 private party or a political subdivision of this state to recover  
1-31 damages, abatement, or other relief for a public nuisance under the  
1-32 common law of this state, whether asserted as a cause of action or  
1-33 an injury.  
1-34 Sec. 100C.002. LIMITATIONS ON COMMON LAW PUBLIC NUISANCE  
1-35 CLAIMS. (a) A public nuisance claim is not cognizable in this  
1-36 state if it seeks relief arising from:  
1-37 (1) an action or condition that is authorized,  
1-38 licensed, approved, or mandated by a statute, ordinance,  
1-39 regulation, permit, order, rule, or other similar measure issued,  
1-40 adopted, promulgated, or approved by the federal government, a  
1-41 federal agency, this state, or an agency or political subdivision  
1-42 of this state;  
1-43 (2) an action or condition that occurs or exists in a  
1-44 context where a statutory cause of action or administrative  
1-45 enforcement mechanism already exists to address conduct that is  
1-46 injurious to the public; or  
1-47 (3) a product or a claim based on the manufacturing,  
1-48 distributing, selling, labeling, or marketing of a product,  
1-49 regardless of whether the product is defective.  
1-50 (b) The aggregation of multiple injuries to individuals or  
1-51 of private nuisances does not constitute a public nuisance or give  
1-52 rise to a public nuisance claim.  
1-53 (c) This section may not be construed to limit a claimant  
1-54 from obtaining relief provided by other law.  
1-55 Sec. 100C.003. RELATIONSHIP TO COMMON LAW. To the extent of  
1-56 a conflict between this chapter and the common law of public  
1-57 nuisance, this chapter controls. Otherwise, this chapter  
1-58 supplements the common law of public nuisance, both as to the claim  
1-59 and defenses.  
1-60 SECTION 2. Chapter 100C, Civil Practice and Remedies Code,

2-1 as added by this Act, applies only to an action filed on or after the  
2-2 effective date of this Act.

2-3 SECTION 3. This Act takes effect immediately if it receives  
2-4 a vote of two-thirds of all the members elected to each house, as  
2-5 provided by Section 39, Article III, Texas Constitution. If this  
2-6 Act does not receive the vote necessary for immediate effect, this  
2-7 Act takes effect September 1, 2025.

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