

Title 25. HEALTH SERVICES
Part 1. TEXAS DEPARTMENT OF HEALTH
Chapter 229. Food and Drug
Subchapter F. Production, Processing, and Distribution of Bottled and Vended Drinking Water
Amendment §229.90

Proposed Preamble

The Texas Department of Health (department) proposes an amendment to §229.90, concerning the production, processing, and distribution of bottled and vended drinking water. Specifically, this amendment brings the rule into compliance with House Bill (HB) 2292, 78th Legislature, Regular Session, which requires programs to recover all costs associated with operating the program and to change the term of the certificate from a three-year period to a two-year period effective January 1, 2005. An amendment to §229.90 increases the fee to recover costs and amends the term of the certificate.

Robert D. Sowards, Jr., Director, Manufactured Foods Division, has determined that for each year of the first five years the section is in effect, there will be fiscal implications to the state as a result of enforcing or administering the sections as proposed. The effect on state government will be an estimated increase in revenue to the state of approximately \$840 for Fiscal Year (FY) 2004, and \$25,410 for FY 2005. In the succeeding even years (i.e., 2006, 2008, etc.), the increase in revenue will be \$4,830, and in the odd years (i.e., 2007, 2009, etc.), an increase in revenue of \$35,350. There will be no effect on local government.

Mr. Sowards has also determined that for each year of the first five years the section is in effect, the public health benefit anticipated as a result of enforcing or administering the sections is to generate funding to operate the program to ensure that bottled and vended water operators are competent and able to provide safe water to the public. There are anticipated economic costs to small businesses, micro businesses and persons required to maintain a bottled and vended water operator certificate. The fee for the certificate will increase from \$25 every three years to \$70 every three years through December 31, 2004. The fees will increase from \$70 every three years to \$140 every two years starting January 1, 2005. There will be no impact on local employment.

Comments on the proposal may be submitted to Robert D. Sowards, Jr., Director, Manufactured Foods Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, 512/719-0243. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under the Health and Safety Code, §431.241, which provides the department with the authority to adopt necessary regulations pursuant to the enforcement of Chapter 431; and §12.001, which provides the Texas Board of Health (board) with the authority to adopt rules for the performance of every duty imposed by law on the board, the department, and the commissioner of health.

The proposed amendment affects the Health and Safety Code, Chapter 431; and Chapter 12.