

By: Cortez

H.B. No. 1447

A BILL TO BE ENTITLED

AN ACT

relating to food allergen awareness in food service establishments,
food handler and food manager certifications, and food service
training or education programs.

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

SECTION 1. This Act may be cited as the Sergio Lopez Food
Allergy Awareness Act.

SECTION 2. Chapter 437, Health and Safety Code, is amended
by adding Section 437.027 to read as follows:

Sec. 437.027. FOOD ALLERGEN AWARENESS POSTER. (a) A food
service establishment shall display a poster relating to food
allergen awareness in an area of the establishment regularly
accessible to the establishment's food service employees. The
department shall:

(1) collaborate with individuals with expertise and
knowledge regarding food allergies to determine the form and
content of the poster;

(2) post a sample poster on the department's Internet
website; and

(3) update the poster as necessary to ensure the
poster contains current information about food allergens and
remains consistent with standards promulgated by the United States
Food and Drug Administration.

(b) The poster must include information regarding:

1 (1) the risk of an allergic reaction to a food
2 allergen;

3 (2) symptoms of an allergic reaction;

4 (3) the major food allergens, as determined by federal
5 law and regulations of the United States Food and Drug
6 Administration;

7 (4) the procedures for preventing an allergic
8 reaction; and

9 (5) appropriate responses for assisting an individual
10 who is having an allergic reaction.

11 (c) The executive commissioner shall adopt rules necessary
12 to implement this section.

13 (d) This section does not create a private cause of action
14 or change any common law or statutory duty.

15 (e) Notwithstanding any other law, a county, municipality,
16 or public health district may not adopt or enforce an order,
17 ordinance, rule, or other measure that is inconsistent with or
18 exceeds the requirements of this section.

19 SECTION 3. Section 438.043(a), Health and Safety Code, is
20 amended to read as follows:

21 (a) The department may not accredit an education or training
22 program unless the program includes:

23 (1) four hours of training on the subject of food,
24 including:

25 (A) a description of food-borne disease and its
26 cause and prevention; ~~and~~

27 (B) protection of food in location, receipt,

1 storage, preparation, service, and transportation; and

2 (C) the food allergen awareness information
3 described by Section 437.027(b);

4 (2) four hours of training on the subject of food
5 service facilities, including:

6 (A) waste disposal and sanitary plumbing and
7 water;

8 (B) cleaning and sanitization of dishes and
9 utensils;

10 (C) storage of equipment and utensils;

11 (D) housekeeping procedures and schedules;

12 (E) proper handling of nonfood supplies,
13 including single service items, linens, and toxic materials; and

14 (F) cleanliness of the physical plant, including
15 building construction, ventilation, lighting, pest control, and
16 general safety of the environment;

17 (3) two hours of training on the subject of sanitary
18 habits for food handlers, including:

19 (A) personal hygiene, including proper dress,
20 handwashing, personal habits, and illness;

21 (B) food handling practices, including minimum
22 handling and proper use of food service utensils; and

23 (C) operational problems, including
24 identification and correction of commonly occurring deficiencies;
25 and

26 (4) four hours of training on the subject of
27 management in the food service industry, including:

(A) self-inspection promotion and techniques;

(B) motivation, including safety, the economics of safe food handling, and planning to meet sanitation guidelines; and

(C) personnel training, including management responsibility, resources, and methods.

SECTION 4. Section 438.0431(b), Health and Safety Code, is amended to read as follows:

(b) The executive commissioner shall by rule define the basic food safety training or education required to be included in a course curriculum. The course curriculum must include the food allergen awareness information described by Section 437.027(b). The course length may not exceed two hours.

SECTION 5. Section 438.103, Health and Safety Code, is amended to read as follows:

Sec. 438.103. CERTIFICATION AND RENEWAL OF CERTIFICATION; EXAMINATION REQUIRED. (a) A person who satisfies the requirements of this subchapter may receive and renew a food manager certificate by passing a state-approved examination.

(b) A state-approved examination for issuance or renewal of a food manager certificate must test an applicant on the food allergen awareness information described by Section 437.027(b).

SECTION 6. Not later than December 1, 2023:

(1) the Department of State Health Services shall determine the form and content of the poster and post the sample poster on the department's Internet website as required by Section 437.027, Health and Safety Code, as added by this Act;

1 (2) the Department of State Health Services shall
2 update the education or training program accreditation
3 requirements and course curriculum as required by Sections 438.043
4 and 438.0431, Health and Safety Code, as amended by this Act; and

5 (3) the executive commissioner of the Health and Human
6 Services Commission shall adopt any rules necessary to implement
7 the changes in law made by this Act.

8 SECTION 7. The changes in law made by this Act apply only to
9 a food manager or food handler certificate issued or renewed on or
10 after September 1, 2024. A certificate issued before that date is
11 covered by the law in effect when the certificate was issued, and
12 the former law is continued in effect for that purpose.

13 SECTION 8. Notwithstanding Section 437.027, Health and
14 Safety Code, as added by this Act, a food service establishment is
15 not required to comply with that section before September 1, 2024.

16 SECTION 9. This Act takes effect September 1, 2023.