

By: Capriglione

H.B. No. 2878

Substitute the following for H.B. No. 2878:

By: Stucky

C.S.H.B. No. 2878

A BILL TO BE ENTITLED

AN ACT

relating to the operation in certain counties of mobile food service establishments in more than one municipality within the county.

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

SECTION 1. Subtitle A, Title 6, Health and Safety Code, is amended by adding Chapter 437A to read as follows:

CHAPTER 437A. MOBILE FOOD SERVICE ESTABLISHMENTS OPERATING IN CERTAIN COUNTIES IN MORE THAN ONE MUNICIPALITY

Sec. 437A.001. DEFINITIONS. In this chapter:

(1) "Food," "mobile food unit," and "roadside food vendor" have the meanings assigned by rules adopted under Chapter 437.

(2) "Mobile food service establishment" means one or more mobile food units or roadside food vendors operating from a single preparation facility under the managerial authority of a single permit or license holder.

Sec. 437A.002. APPLICABILITY. This chapter applies only to a county:

(1) with a population of more than 2.1 million; and

(2) in which is located partly or wholly:

(A) an airport operating under Subchapter D, Chapter 22, Transportation Code; and

(B) an airport owned by the principal

1 municipality in the county that does not offer commercial air  
2 service.

3 Sec. 437A.003. COUNTY PERMIT REQUIRED. (a)

4 Notwithstanding any other law, a mobile food service establishment  
5 may not operate in a county to which this chapter applies unless the  
6 establishment obtains a permit from the county.

7 (b) A permit issued by a county under this chapter must  
8 authorize a mobile food service establishment to operate in any  
9 municipality located in the county.

10 (c) A permit issued by a county under this chapter is  
11 considered a permit issued by a county under Chapter 437 for  
12 purposes of that chapter.

13 Sec. 437A.004. COUNTY RESPONSE TO PERMIT APPLICATION. A

14 county shall approve or deny a mobile food service establishment's  
15 application for a permit to operate in the county not later than the  
16 third business day after the date the county receives the  
17 application and all information necessary for the county to  
18 consider the application.

19 Sec. 437A.005. REFUSAL TO ISSUE PERMIT. (a) A county may

20 refuse to issue a permit for a mobile food service establishment to  
21 operate in the county if the establishment is not in good standing  
22 in another jurisdiction or if the county has previously imposed on  
23 the establishment a citation or fine that raises public health and  
24 safety concerns.

25 (b) If a county refuses to issue a permit authorizing a  
26 mobile food service establishment to operate in the county, the  
27 county shall provide the establishment with written notice

1 regarding the basis for the county's refusal and advise the  
2 establishment of any remedial actions the establishment may take to  
3 become eligible for a permit.

4 Sec. 437A.006. INSPECTION BY COUNTY. (a) A mobile food  
5 service establishment is subject to periodic and unannounced  
6 inspections by the county that issues the permit to operate in the  
7 county under this chapter.

8 (b) A mobile food service establishment shall allow the  
9 county access to the establishment for an inspection.

10 (c) If an inspection by the county determines a mobile food  
11 service establishment committed a violation, the county may issue a  
12 fine to the establishment or suspend the establishment's permit.

13 Sec. 437A.007. PERMIT RENEWAL; NOTICE. A mobile food  
14 service establishment annually shall renew the establishment's  
15 permit under this chapter.

16 Sec. 437A.008. RULES. The executive commissioner may adopt  
17 the rules necessary to implement this chapter.

18 SECTION 2. This Act takes effect September 1, 2023.