

1-1 By: Capriglione (Senate Sponsor - Parker) H.B. No. 2878  
 1-2 (In the Senate - Received from the House May 3, 2023;  
 1-3 May 5, 2023, read first time and referred to Committee on Local  
 1-4 Government; May 21, 2023, reported favorably by the following  
 1-5 vote: Yeas 7, Nays 0; May 21, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
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 the operation in certain counties of mobile food  
 1-20 service establishments in more than one municipality within the  
 1-21 county.

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

1-23 SECTION 1. Subtitle A, Title 6, Health and Safety Code, is  
 1-24 amended by adding Chapter 437A to read as follows:

1-25 CHAPTER 437A. MOBILE FOOD SERVICE ESTABLISHMENTS OPERATING IN  
 1-26 CERTAIN COUNTIES IN MORE THAN ONE MUNICIPALITY

1-27 Sec. 437A.001. DEFINITIONS. In this chapter:

1-28 (1) "Food," "mobile food unit," and "roadside food  
 1-29 vendor" have the meanings assigned by rules adopted under Chapter  
 1-30 437.

1-31 (2) "Mobile food service establishment" means one or  
 1-32 more mobile food units or roadside food vendors operating from a  
 1-33 single preparation facility under the managerial authority of a  
 1-34 single permit or license holder.

1-35 Sec. 437A.002. APPLICABILITY. This chapter applies only to  
 1-36 a county:

1-37 (1) with a population of more than 2.1 million; and

1-38 (2) in which is located partly or wholly:

1-39 (A) an airport operating under Subchapter D,  
 1-40 Chapter 22, Transportation Code; and

1-41 (B) an airport owned by the principal  
 1-42 municipality in the county that does not offer commercial air  
 1-43 service.

1-44 Sec. 437A.003. COUNTY PERMIT REQUIRED. (a)  
 1-45 Notwithstanding any other law, a mobile food service establishment  
 1-46 may not operate in a county to which this chapter applies unless the  
 1-47 establishment obtains a permit from the county.

1-48 (b) A permit issued by a county under this chapter must  
 1-49 authorize a mobile food service establishment to operate in any  
 1-50 municipality located in the county.

1-51 (c) A permit issued by a county under this chapter is  
 1-52 considered a permit issued by a county under Chapter 437 for  
 1-53 purposes of that chapter.

1-54 Sec. 437A.004. COUNTY RESPONSE TO PERMIT APPLICATION. A  
 1-55 county shall approve or deny a mobile food service establishment's  
 1-56 application for a permit to operate in the county not later than the  
 1-57 third business day after the date the county receives the  
 1-58 application and all information necessary for the county to  
 1-59 consider the application.

1-60 Sec. 437A.005. REFUSAL TO ISSUE PERMIT. (a) A county may  
 1-61 refuse to issue a permit for a mobile food service establishment to

2-1 operate in the county if the establishment is not in good standing  
2-2 in another jurisdiction or if the county has previously imposed on  
2-3 the establishment a citation or fine that raises public health and  
2-4 safety concerns.

2-5 (b) If a county refuses to issue a permit authorizing a  
2-6 mobile food service establishment to operate in the county, the  
2-7 county shall provide the establishment with written notice  
2-8 regarding the basis for the county's refusal and advise the  
2-9 establishment of any remedial actions the establishment may take to  
2-10 become eligible for a permit.

2-11 Sec. 437A.006. INSPECTION BY COUNTY. (a) A mobile food  
2-12 service establishment is subject to periodic and unannounced  
2-13 inspections by the county that issues the permit to operate in the  
2-14 county under this chapter.

2-15 (b) A mobile food service establishment shall allow the  
2-16 county access to the establishment for an inspection.

2-17 (c) If an inspection by the county determines a mobile food  
2-18 service establishment committed a violation, the county may issue a  
2-19 fine to the establishment or suspend the establishment's permit.

2-20 Sec. 437A.007. PERMIT RENEWAL; NOTICE. A mobile food  
2-21 service establishment annually shall renew the establishment's  
2-22 permit under this chapter.

2-23 Sec. 437A.008. RULES. The executive commissioner may adopt  
2-24 the rules necessary to implement this chapter.

2-25 SECTION 2. This Act takes effect September 1, 2023.

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