

1-1 By: Springer S.B. No. 577  
 1-2 (In the Senate - Filed January 24, 2023; February 17, 2023,  
 1-3 read first time and referred to Committee on Health & Human  
 1-4 Services; April 24, 2023, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;  
 1-6 April 24, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
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			X	

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 577 By: Perry

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to regulation of food service establishments, retail food  
 1-22 stores, mobile food units, roadside food vendors, temporary food  
 1-23 service establishments, and food managers.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Chapter 437, Health and Safety Code, is amended  
 1-26 by amending Section 437.009 and adding Sections 437.0091,  
 1-27 437.01235, and 437.027 to read as follows:

1-28 Sec. 437.009. INSPECTIONS; INSPECTION FOLLOWING ADOPTION  
 1-29 OF CERTAIN LOCAL ORDERS; PROHIBITED DISCIPLINARY ACTION. (a)  
 1-30 Authorized agents or employees of the department, a county, or a  
 1-31 public health district may enter the premises of a food service  
 1-32 establishment, retail food store, mobile food unit, roadside food  
 1-33 vendor, or temporary food service establishment under the  
 1-34 department's, county's, or district's jurisdiction during normal  
 1-35 operating hours to conduct inspections to determine compliance  
 1-36 with:

- 1-37 (1) state law, including a requirement to hold and
- 1-38 display written authorization under Section 437.021;
- 1-39 (2) rules adopted under state law; and
- 1-40 (3) orders adopted by the department, county, or
- 1-41 district.

1-42 (b) A municipality or public health district of which the  
 1-43 municipality is a member may not conduct an inspection to determine  
 1-44 compliance with an ordinance the municipality adopts that differs  
 1-45 from state law or department rules or orders before the 60th day  
 1-46 following the date the municipality or district submits a copy of  
 1-47 the ordinance to the department for inclusion in the registry  
 1-48 established under Section 437.0091.

1-49 (c) Notwithstanding any other law, the department, a  
 1-50 county, a municipality, or a public health district, including an  
 1-51 authorized agent or employee, that conducts an inspection  
 1-52 authorized under this section may not take disciplinary action  
 1-53 against or otherwise penalize a food service establishment, retail  
 1-54 food store, mobile food unit, roadside food vendor, or temporary  
 1-55 food service establishment for failing to adhere to easily  
 1-56 cleanable surface requirements for wall and ceiling surfaces,  
 1-57 decorative items, or attachments in a consumer area, provided the  
 1-58 surfaces, items, or attachments are kept clean. For purposes of  
 1-59 this subsection, a consumer area includes a dining room, outdoor  
 1-60 dining area, or bar seating area in which customers consume food but

2-1 does not include a table, bar top, or other similar surface where  
2-2 food is regularly prepared or consumed.

2-3 Sec. 437.0091. MUNICIPAL ORDINANCE REGISTRY. The  
2-4 department shall establish and maintain on the department's  
2-5 Internet website a registry for municipal ordinances submitted  
2-6 under Section 437.009(b) and post in the registry each submitted  
2-7 ordinance not later than the 10th day after the date the department  
2-8 receives the ordinance.

2-9 Sec. 437.01235. FEES FOR PREMISES WITH ALCOHOLIC BEVERAGE  
2-10 PERMIT OR LICENSE. A county or a municipality with a public health  
2-11 district that charges a fee for issuance or renewal of a permit  
2-12 under Section 437.012 or 437.0123 for a premises located in the  
2-13 county or municipality and permitted or licensed by the Texas  
2-14 Alcoholic Beverage Commission may not also charge a fee under  
2-15 Section 11.38 or 61.36, Alcoholic Beverage Code, for issuance of an  
2-16 alcoholic beverage permit or license for the premises.

2-17 Sec. 437.027. PROHIBITED RESTRICTIONS ON PACKAGING,  
2-18 UTENSILS, AND STRAWS. Notwithstanding any other law, the  
2-19 department, a county, a municipality, or a public health district  
2-20 may not restrict the type or quantity of packaging, utensils, or  
2-21 straws a food service establishment, retail food store, mobile food  
2-22 unit, roadside food vendor, or temporary food service establishment  
2-23 provides to customers.

2-24 SECTION 2. Subchapter G, Chapter 438, Health and Safety  
2-25 Code, is amended by adding Section 438.1055 to read as follows:

2-26 Sec. 438.1055. PROHIBITED REQUIREMENT OF LOCAL FOOD MANAGER  
2-27 CARD OR LOCAL FEE. A local health jurisdiction may not require a  
2-28 food manager who holds a food manager certificate issued under this  
2-29 subchapter to hold a local food manager card or charge a fee for  
2-30 issuance of the certificate under this subchapter.

2-31 SECTION 3. (a) As soon as practicable after the effective  
2-32 date of this Act, the Department of State Health Services shall  
2-33 establish the registry required under Section 437.0091, Health and  
2-34 Safety Code, as added by this Act.

2-35 (b) The changes in law made by this Act apply only to an  
2-36 inspection conducted or order issued on or after the effective date  
2-37 of this Act.

2-38 SECTION 4. This Act takes effect September 1, 2023.

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