

By: Zaffirini

S.B. No. 812

A BILL TO BE ENTITLED

AN ACT

relating to food allergen awareness in food service establishments,
food manager certifications, and food service 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) the risk of an allergic reaction to a food

1 allergen;

2 (2) symptoms of an allergic reaction;

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

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

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

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

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

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

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

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

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

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

26 (B) protection of food in location, receipt,
27 storage, preparation, service, and transportation; and

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

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

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

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

9 (C) storage of equipment and utensils;

10 (D) housekeeping procedures and schedules;

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

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

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

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

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

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

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

27 (A) self-inspection promotion and techniques;

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

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

6 SECTION 4. Section 438.103, Health and Safety Code, is
7 amended to read as follows:

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

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

15 SECTION 5. Not later than December 1, 2023:

16 (1) the Department of State Health Services shall
17 determine the form and content of the poster and post the sample
18 poster on the department's Internet website as required by Section
19 437.027, Health and Safety Code, as added by this Act;

20 (2) the Department of State Health Services shall
21 update the education or training program as required by Section
22 438.043, Health and Safety Code, as amended by this Act; and

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

26 SECTION 6. The changes in law made by this Act apply only to
27 a food manager certificate issued or renewed on or after September

1 1, 2024. A certificate issued before that date is covered by the
2 law in effect when the certificate was issued, and the former law is
3 continued in effect for that purpose.

4 SECTION 7. Notwithstanding Section 437.027, Health and
5 Safety Code, as added by this Act, a food service establishment is
6 not required to comply with that section before September 1, 2024.

7 SECTION 8. This Act takes effect September 1, 2023.