

By: Capriglione

H.B. No. 1449

A BILL TO BE ENTITLED

AN ACT

relating to permits for mobile food service establishments  
operating in certain counties.

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

SECTION 1. The heading to Chapter 437A, Health and Safety  
Code, is amended to read as follows:

CHAPTER 437A. MOBILE FOOD SERVICE ESTABLISHMENTS OPERATING IN  
[~~CERTAIN~~] COUNTIES WITH POPULATION OF MORE THAN ONE MILLION [~~IN~~  
~~MORE THAN ONE MUNICIPALITY~~]

SECTION 2. Section 437A.002, Health and Safety Code, is  
amended to read as follows:

Sec. 437A.002. APPLICABILITY. This chapter applies only  
to a county[+]

[~~(1)~~] with a population of more than one [~~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~~  
~~municipality in the county that does not offer commercial air~~  
~~service].~~

SECTION 3. The heading to Section 437A.006, Health and  
Safety Code, is amended to read as follows:

Sec. 437A.006. INSPECTION [~~BY COUNTY~~].

SECTION 4. Section 437A.006, Health and Safety Code, is amended by adding Subsection (d) to read as follows:

(d) A county to which this chapter applies may, by written agreement with a municipality, collaborate with a municipality located wholly or partly in the county the inspection of a mobile food service establishment operating in the municipality.

SECTION 5. Chapter 437A, Health and Safety Code, is amended by adding Sections 437A.0075 and 437A.0077 to read as follows:

Sec. 437A.0075. PROHIBITED MUNICIPAL PERMIT REQUIREMENTS. A municipality located wholly or partly in a county to which this chapter applies may not require a permit or similar authorization, other than the permit required under Section 437A.003, for a mobile food service establishment to operate in the municipality.

Sec. 437A.0077. FEE CALCULATION. A county imposing a fee for a permit issued or renewed under this chapter shall set the fee in an amount not to exceed the amount necessary to recover the annual expenditures for:

(1) reviewing and issuing or otherwise acting on permits;

(2) amending and renewing permits;

(3) inspecting mobile food service establishments, including a municipality's expenses for inspections under Section 437A.006; and

(4) otherwise administering this chapter and rules adopted under this chapter.

SECTION 6. Section 437.0073, Health and Safety Code, is repealed.

1           SECTION 7. The changes in law made by this Act apply to an  
2 ordinance, rule, regulation, policy, or procedure adopted before,  
3 on, or after the effective date of this Act.

4           SECTION 8. This Act takes effect September 1, 2025.