

By: Capriglione

H.B. No. 1449

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to permits for mobile food service establishments  
3 operating in certain counties.

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

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

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

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

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

14 [~~(1)~~] with a population of more than one [~~2.1~~] million  
15 [~~, and~~

16 [~~(2) in which is located partly or wholly:~~

17 [~~(A) an airport operating under Subchapter D,~~  
18 ~~Chapter 22, Transportation Code, and~~

19 [~~(B) an airport owned by the principal~~  
20 ~~municipality in the county that does not offer commercial air~~  
21 ~~service].~~

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

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

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

3 (d) A county to which this chapter applies may delegate to a  
4 municipality located wholly or partly in the county the inspection  
5 of a mobile food service establishment operating in the  
6 municipality.

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

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

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

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

20 (2) amending and renewing permits;

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

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

26 SECTION 6. Section 437.0073, Health and Safety Code, is  
27 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.