

BILL ANALYSIS

C.S.S.B. 381
By: Armbrister
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, Texas law dictates that the sale of food for immediate consumption in a restaurant does not require the restaurant to obtain a manufacturer or wholesaler license. This does not apply to food prepared by retail restaurants for immediate consumption by a political subdivision. C.S.S.B. 381 exempts from food wholesaler and manufacturer licensing requirements a restaurant that provides food for immediate consumption to a political subdivision or a licensed nonprofit organization if it would not otherwise be required to hold such a license.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Amends Section 431.221(2) and (3), and adds (6), Health and Safety Code, as follows:

- (2) Redefines "food manufacturer."
- (3) Redefines "food wholesaler."
- (6) Defines "licensed nonprofit organization".

Amends Section 431.2211(a), Health and Safety Code, to exempt from the requirement to hold a license under this subchapter, a restaurant that provides food for immediate consumption to a political subdivision or to a licensed nonprofit organization if the restaurant would not otherwise be required to hold a license under this subchapter.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute limits the application of the non-profit organization exception to those non-profits which are licensed.