

BILL ANALYSIS

Senate Research Center
78R1459 JRD-F

S.B. 381
By: Armbrister
Business & Commerce
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DIGEST 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. As proposed, S.B. 381 exempts from food wholesaler and manufacturer licensing requirements a restaurant that provides food for immediate consumption by a political subdivision or nonprofit organization if it would not otherwise be required to hold such a license.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 431.221, Health and Safety Code, by amending Subdivisions (2) and (3) and adding Subdivision (6), as follows:

- (2) Redefines “food manufacturer.”
- (3) Redefines “food wholesaler.” Makes nonsubstantive changes.
- (6) Defines “nonprofit organization.”

SECTION 2. 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 nonprofit organization if the restaurant would not otherwise be required to hold a license under this subchapter.

SECTION 3. Effective date: upon passage or September 1, 2003.