

AN ACT

relating to produce samples at municipally owned farmers' markets.

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

SECTION 1. Chapter 437, Health and Safety Code, is amended by adding Section 437.020 to read as follows:

Sec. 437.020. PRODUCE SAMPLES AT MUNICIPALLY OWNED FARMERS' MARKETS. (a) Except as provided by Subsection (b):

(1) this chapter does not regulate the provision of samples of produce to consumers at a municipally owned farmers' market; and

(2) a rule adopted under state law may not regulate the provision of samples of produce to consumers at a municipally owned farmers' market.

(b) Produce samples may only be distributed at a municipally owned farmers' market if the following sanitary conditions exist:

(1) produce samples must be kept in approved, clean, and covered containers;

(2) produce samples must be distributed in a sanitary manner;

(3) clean, disposable plastic gloves must be used when cutting produce samples;

(4) produce intended for sampling must be washed in potable water to remove any soil or other material so that it is wholesome and safe for consumption;

1           (5) potable water must be available for hand washing  
2 and sanitizing as approved by the local or state enforcement  
3 agency;

4           (6) potentially hazardous cut produce, as determined  
5 by rule of the department, must be maintained at or below 41 degrees  
6 Fahrenheit, and produce samples must be disposed of within two  
7 hours after cutting;

8           (7) utensil and hand washing water must be disposed of  
9 in a facility connected to the public sewer system or in a manner  
10 approved by the local or state enforcement agency; and

11           (8) utensils and cutting surfaces must be smooth,  
12 nonabsorbent, and easily cleaned or disposed of as approved by the  
13 local or state enforcement agency.

14           SECTION 2. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2005.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 894 was passed by the House on April 14, 2005, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 894 was passed by the Senate on May 17, 2005, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor