

BILL ANALYSIS

C.S.H.B. 1585
By: King, Susan
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A public health district is an organization created jointly by a combination of cities and counties which permit and inspect food service establishments. Administrative penalties are commonly issued by the state and municipalities for violations of food safety regulations. Counties and public health districts do not have the authority to issue administrative penalties for food safety violations. The purpose of this bill is to grant this enforcement tool to counties and public health districts. This enforcement tool is in addition to any other existing enforcement mechanism available to counties and public health districts, and may be used at their discretion.

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

CSHB 1585 grants the director of a public health district (district) or the commissioners court of a county the authority to issue administrative penalties on a person who is required by the district or county to hold a permit for food service establishments, retail food stores, mobile food units, and roadside food vendors for violations of Chapter 437, REGULATION OF FOOD SERVICE ESTABLISHMENTS, RETAIL FOOD STORES, MOBILE FOOD UNITS, AND ROADSIDE FOOD VENDORS of the Health and Safety code or a rule or order adopted under the chapter. The bill establishes that a penalty may be imposed either under this provision or under Section 437.018, but not both.

The bill sets forth criteria for determining the amount of the penalty, establishes that it may not exceed \$500 per day, and each day a violation continues or occurs is a separate violation for purposes of imposing a penalty. The bill establishes procedures for paying the penalty and for requesting a hearing.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute amends the original by authorizing a county commissioners court to impose an administrative penalty on a person who is required by the county to hold a permit for food service establishments, retail food stores, mobile food units, and roadside food vendors, and makes conforming changes.