

BILL ANALYSIS

Senate Research Center
80R13228 MSE-D

H.B. 3138
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Intergovernmental Relations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, mobile food units are not required to display written permission from property owners in regard to their ability to operate on a particular piece of property.

H.B. 3138 requires mobile food vending units in counties whose population is in excess of 3.3 million to display, at all times, written authorization from a property owner that shows the permission granted.

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 437.009, Health and Safety Code, as follows:

Sec. 437.009. INSPECTIONS. Authorizes authorized agents or employees of the Department of State Health Services (DSHS), a county, or a public health district to enter the premises of a food service establishment, retail food store, mobile food unit, roadside food vendor, or temporary food service establishment under the DSHS's, county's, or district's jurisdiction during normal operating hours to conduct inspections to determine compliance with state law, including a requirement to hold and display written authorization under Section 437.021.

SECTION 2. Amends Chapter 437, Health and Safety Code, by adding Section 437.021, as follows:

Sec. 437.021. AUTHORITY TO OPERATE ON CERTAIN PROPERTY. Requires a person operating a mobile food unit, roadside food vendor, or temporary food service establishment in a county with a population of more than 3.3 million to acquire written authorization from the owner of the property on which the unit, vendor, or establishment is operating. Requires the written authorization to be notarized, provide that the operator has the property owner's permission to operate the unit, vendor, or establishment on the property, and be prominently displayed in the unit, vendor, or establishment in plain view of the public at all times.

SECTION 3. Effective date: upon passage or September 1, 2007.