

BILL ANALYSIS

S.B. 1714
By: Seliger
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, Grade A milk is regulated in accordance with the Pasteurized Milk Ordinance (PMO) rules adopted under Chapter 435 (Dairy Products), Health and Safety Code, which mirror national regulatory standards. Non-Grade A manufactured milk products, such as cheese, butter, and milk powder, are subject to the Good Manufacturing Practices (GMP) rules adopted under Chapter 431 (Texas Food, Drug, and Cosmetic Act), Health and Safety Code, which provide for a less rigorous inspection process than PMO rules.

As proposed, S.B. 1714 applies to non-Grade A manufactured milk products the same manufacturing standards as applied to Grade A milk, resulting in a more uniform system of dairy regulation in Texas. To pay for the more intensive inspection process that will result, this bill imposes a fee of 1.5 cents for each 100 pounds of dairy products produced by a non-Grade A manufacturer.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Board of Health is modified in SECTION 2 (Section 435.003, Health and Safety Code) of this bill.

ANALYSIS

[While the statutory reference in this bill is to the Texas Board of Health, the following amendments affect the Health and Human Services Commission, as the successor agency to the Texas Board of Health.]

[While the statutory reference in this bill is to the Texas Department of Health, the following amendments affect the Department of State Health Services, as the successor agency to the Texas Department of Health.]

SECTION 1. Amends the heading to Section 435.003, Health and Safety Code, to read as follows:

Sec. 435.003. MILK SPECIFICATIONS.

SECTION 2. Amends Section 435.003(a), Health and Safety Code, to authorize the Texas Board of Health (board) to define what constitutes milk for manufacturing purposes and dairy products, by rule.

SECTION 3. Amends Sections 435.004(a) and (c), Health and Safety Code, as follows:

(a) Requires the board or its representative to sample, test, or inspect milk for manufacturing purposes, and dairy products that are offered for sale, rather than delivered to a milk plant or other place of delivery.

(c) Includes tests for phosphatase, rather than phosphotase, in the list of required tests.

SECTION 4. Amends Sections 435.009(b) and (d), Health and Safety Code, as follows:

(b) Requires the Texas Department of Health to impose certain amended fees.

(d) Provides that a permit, rather than annual permit, issued under this chapter is valid for two years and must be renewed not later than September 1 of the year, rather than each year, in which the permit expires.

SECTION 5. Repeals Sections 435.002(b) (Grading of Milk and Milk Products) and 435.004(d) (Inspection of Milk and Milk Products by Board), Health and Safety Code.

SECTION 6. Makes the change in law made by this Act to fees charged under Section 435.009, Health and Safety Code, prospective.

EFFECTIVE DATE

September 1, 2007.