

By: Bohac

H.B. No. 3138

Substitute the following for H.B. No. 3138:

By: Murphy

C.S.H.B. No. 3138

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority to operate a mobile food unit, roadside
3 food vendor, or temporary food service establishment in certain
4 counties.

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

6 SECTION 1. Section 437.009, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 437.009. INSPECTIONS. Authorized agents or employees
9 of the department, a county, or a public health district may enter
10 the premises of a food service establishment, retail food store,
11 mobile food unit, roadside food vendor, or temporary food service
12 establishment under the department's, county's, or district's
13 jurisdiction during normal operating hours to conduct inspections
14 to determine compliance with:

15 (1) state law, including a requirement to hold and
16 display written authorization under Section 437.021;

17 (2) rules adopted under state law;~~[7]~~ and

18 (3) orders adopted by the department, county, or
19 district.

20 SECTION 2. Chapter 437, Health and Safety Code, is amended
21 by adding Section 437.021 to read as follows:

22 Sec. 437.021. AUTHORITY TO OPERATE ON CERTAIN PROPERTY. A
23 person operating a mobile food unit, roadside food vendor, or
24 temporary food service establishment in a county with a population

1 of more than 3.3 million shall acquire written authorization from
2 the owner of the property on which the unit, vendor, or
3 establishment is operating. The written authorization must:

4 (1) be notarized;

5 (2) provide that the operator has the property owner's
6 permission to operate the unit, vendor, or establishment on the
7 property; and

8 (3) be prominently displayed in the unit, vendor, or
9 establishment in plain view of the public at all times.

10 SECTION 3. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2007.