

1-1 By: Bohac, Bailey (Senate Sponsor - Ellis) H.B. No. 3138
1-2 (In the Senate - Received from the House April 30, 2007;
1-3 May 2, 2007, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 9, 2007, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 9, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the authority to operate a mobile food unit, roadside
1-9 food vendor, or temporary food service establishment in certain
1-10 counties.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 437.009, Health and Safety Code, is
1-13 amended to read as follows:

1-14 Sec. 437.009. INSPECTIONS. Authorized agents or employees
1-15 of the department, a county, or a public health district may enter
1-16 the premises of a food service establishment, retail food store,
1-17 mobile food unit, roadside food vendor, or temporary food service
1-18 establishment under the department's, county's, or district's
1-19 jurisdiction during normal operating hours to conduct inspections
1-20 to determine compliance with:

1-21 (1) state law, including a requirement to hold and
1-22 display written authorization under Section 437.021;

1-23 (2) rules adopted under state law; ~~[7]~~ and

1-24 (3) orders adopted by the department, county, or
1-25 district.

1-26 SECTION 2. Chapter 437, Health and Safety Code, is amended
1-27 by adding Section 437.021 to read as follows:

1-28 Sec. 437.021. AUTHORITY TO OPERATE ON CERTAIN PROPERTY. A
1-29 person operating a mobile food unit, roadside food vendor, or
1-30 temporary food service establishment in a county with a population
1-31 of more than 3.3 million shall acquire written authorization from
1-32 the owner of the property on which the unit, vendor, or
1-33 establishment is operating. The written authorization must:

1-34 (1) be notarized;

1-35 (2) provide that the operator has the property owner's
1-36 permission to operate the unit, vendor, or establishment on the
1-37 property; and

1-38 (3) be prominently displayed in the unit, vendor, or
1-39 establishment in plain view of the public at all times.

1-40 SECTION 3. This Act takes effect immediately if it receives
1-41 a vote of two-thirds of all the members elected to each house, as
1-42 provided by Section 39, Article III, Texas Constitution. If this
1-43 Act does not receive the vote necessary for immediate effect, this
1-44 Act takes effect September 1, 2007.

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