

BILL ANALYSIS

Senate Research Center
81R19834 JSC-F

H.B. 1802
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Intergovernmental Relations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Mobile food vendors are not required by state law to be regulated by the appropriate municipality. Registration and regulation of these mobile food vendors will provide for more oversight of their operation and food handling.

This bill requires certain municipalities to issue a medallion to mobile food vendors in the municipality and sets requirements for cities using the medallion. It applies to cities with a population of 1.5 million or more in a county with a population of 2.8 million or more to require a mobile food vendor (other than those who only vend pre-packaged or prepared food and do not prepare food) to obtain a time-stamp issued by the municipality certifying that the vendor is serviced daily. The time-stamp provisions would take effect January 1, 2010.

H.B. 1802 amends current law relating to mobile food units in certain municipalities.

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 Chapter 437, Health and Safety Code, by adding Section 437.0073, as follows:

Sec. 437.0073. MEDALLION FOR MOBILE FOOD UNITS IN CERTAIN POPULOUS MUNICIPALITIES. (a) Provides that this section applies only to a municipality with a population of 1.5 million or more.

(b) Requires any person desiring to operate one or more mobile food units in a municipality subject to this section other than restricted operations mobile food units to obtain an individual medallion for each operating mobile food unit from the health officer of the municipality. Provides that each medallion will be issued unit-by-unit only after an inspection reveals satisfactory compliance with the provisions of this chapter and applicable municipal regulations or ordinances relating to mobile food units. Requires that the medallions remain the property of the municipality.

(c) Prohibits a person from operating or causing to be operated any mobile food unit that does not possess a valid medallion issued by the health officer.

(d) Requires that a medallion be affixed by the health officer or the health officer's authorized agents on the mobile food unit in a conspicuous place where it can be viewed by patrons.

(e) Requires that an application for a medallion be made on forms provided by the health officer and include certain information relating to the applicant and the mobile food unit.

(f) Provides that all of the provisions of this chapter and applicable municipal regulations or ordinances pertaining to food service establishments apply to the

commissary or other fixed food service establishment from which the food supplies are obtained. Provides that any suspension or revocation of the food dealer's permit for a food service establishment is cause for suspension or revocation of the medallion of any mobile food unit that is supplied or serviced by the establishment.

SECTION 2. Amends Section 437.0074, Health and Safety Code, by adding Subsection (c), to require a municipality with a population of 1.5 million or more in a county with a population of 2.8 million or more to require a mobile food unit, other than a mobile food unit that handles only prepackaged food and does not prepare or package food, to obtain a time and date stamp on the documentation required under Subsection (a)(2) (relating to the provision that a mobile food unit is required to obtain written documentation that the unit has been serviced daily) from a time and date stamp unit that is constructed to prevent tampering and approved by the municipality's governing body. Provides that a record kept by the municipality regarding the time and date stamp on the documentation under Subsection (a)(2) by means of an electronic tagging system under Subsection (b) (relating to the requirement that a county, municipality, or public health district that has installed an electronic tagging system to register and record confirmation that the unit has been serviced as required) controls if that record is inconsistent with the record kept by the mobile food unit.

SECTION 3. (a) Provides that, notwithstanding Section 437.0073, Health and Safety Code, as added by this Act, a person is not required to obtain a medallion for a mobile food unit under that section before October 1, 2009.

(b) Requires the governing body of a municipality to which this Act applies, not later than December 1, 2009, to approve time and date stamp units to be used under Section 437.0074(c), Health and Safety Code, as added by this Act.

SECTION 4. (a) Effective date, except as provided by Subsection (b) of this section: upon passage or September 1, 2009.

(b) Effective date, Section 2 of this Act: January 1, 2010.