

BILL ANALYSIS

C.S.H.B. 1802
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, state law does not require the registration of mobile food vendors, permitting such vendors to operate without the full knowledge of the municipality in which they conduct business.

C.S.H.B. 1802 requires certain municipalities to issue a medallion to a mobile food vendor in the municipality and sets out the municipality's requirements for issuing such a medallion.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1802 amends the Health and Safety Code to require a person desiring to operate one or more mobile food units, other than restricted operations mobile food units, in a municipality with a population of 1.5 million or more to obtain an individual medallion for each unit from the health officer of the municipality. The bill specifies that each medallion will be issued unit-by-unit only after an inspection reveals satisfactory compliance with food health regulations and applicable municipal regulations or ordinances relating to mobile food units. The bill establishes that the medallions remain the property of the municipality.

C.S.H.B. 1802 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. The bill requires a medallion to 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. The bill requires application for a medallion to be made on forms provided by the health officer and prescribes the information to be included on the application, including the applicant's full name and mailing address.

C.S.H.B. 1802 establishes that all provisions of law relating to food health regulations 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. The bill specifies 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.

C.S.H.B. 1802 requires 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 inspection documentation that a mobile food 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. The bill specifies that a record kept by the municipality regarding the time and date stamp on the required documentation by means of an electronic

tagging system controls if that record is inconsistent with the record kept by the mobile food unit. The bill specifies that the provisions relating to the time and date stamp take effect January 1, 2010.

C.S.H.B. 1802 specifying that a person is not required to obtain a medallion for a mobile food unit before October 1, 2009, and requires the governing body of a municipality to which the bill applies to approve time and date stamp units not later than December 1, 2009.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009, except as provided.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1802 differs from the original by specifying that medallions for mobile food units remain the property of the municipality, rather than the Department of State Health Services. The substitute differs from the original by specifying that an application for a medallion must include the applicant's mailing address, rather than the applicant's post office address.

C.S.H.B. 1802 adds a provision not in the original that requires 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 that a mobile food 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. The substitute adds a provision not in the original specifying that a record kept by the municipality regarding the time and date stamp on the required documentation by means of an electronic tagging system controls if that record is inconsistent with the record kept by the mobile food unit. The substitute adds a provision not in the original specifying that the provisions relating to the time and date stamp take effect January 1, 2010. The substitute differs from the original by requiring the governing body of a municipality to which the bill applies to approve time and date stamp units not later than December 1, 2009.