

By: Bohac

H.B. No. 1802

A BILL TO BE ENTITLED

AN ACT

relating to mobile food units in certain municipalities.

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

SECTION 1. Chapter 437, Health and Safety Code, is amended by adding Section 437.0073 to read as follows:

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

(b) 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 shall obtain an individual medallion for each operating mobile food unit from the health officer of the municipality. 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. The medallions shall remain the property of the municipality.

(c) A person may not operate or cause to be operated any mobile food unit that does not possess a valid medallion issued by the health officer.

(d) A medallion shall 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) Application for a medallion shall be made on forms

1 provided by the health officer and must include:

2 (1) the applicant's full name and mailing address;

3 (2) the address of the location at which the mobile
4 food unit is stationed when not in use;

5 (3) the business name and address of the commissary or
6 other fixed food service establishment from which potentially
7 hazardous food supplies are obtained;

8 (4) the address of the servicing area;

9 (5) a description of the mobile food unit that
10 includes the manufacturer's make, model, and serial number;

11 (6) the vehicle's state registration number; and

12 (7) the signature of the applicant.

13 (f) All of the provisions of this chapter and applicable
14 municipal regulations or ordinances pertaining to food service
15 establishments apply to the commissary or other fixed food service
16 establishment from which the food supplies are obtained. Any
17 suspension or revocation of the food dealer's permit for a food
18 service establishment is cause for suspension or revocation of the
19 medallion of any mobile food unit that is supplied or serviced by
20 the establishment.

21 SECTION 2. Section 437.0074, Health and Safety Code, is
22 amended by adding Subsection (c) to read as follows:

23 (c) A municipality with a population of 1.5 million or more
24 in a county with a population of 2.8 million or more shall require a
25 mobile food unit, other than a mobile food unit that handles only
26 prepackaged food and does not prepare or package food, to obtain a
27 time and date stamp on the documentation required under Subsection

1 (a)(2) from a time and date stamp unit that is constructed to
2 prevent tampering and approved by the municipality's governing
3 body. A record kept by the municipality regarding the time and date
4 stamp on the documentation under Subsection (a)(2) by means of an
5 electronic tagging system under Subsection (b) controls if that
6 record is inconsistent with the record kept by the mobile food unit.

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

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

15 SECTION 4. (a) Except as provided by Subsection (b) of this
16 section, this Act takes effect immediately if it receives a vote of
17 two-thirds of all the members elected to each house, as provided by
18 Section 39, Article III, Texas Constitution. If this Act does not
19 receive the vote necessary for immediate effect, this Act takes
20 effect September 1, 2009.

21 (b) Section 2 of this Act takes effect January 1, 2010.