

1-1 By: Bohac (Senate Sponsor - Ellis) H.B. No. 1802
1-2 (In the Senate - Received from the House April 16, 2009;
1-3 April 27, 2009, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 18, 2009, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 18, 2009, sent to printer.)

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

1-8 relating to mobile food units in certain municipalities.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Chapter 437, Health and Safety Code, is amended
1-11 by adding Section 437.0073 to read as follows:

1-12 Sec. 437.0073. MEDALLION FOR MOBILE FOOD UNITS IN CERTAIN
1-13 POPULOUS MUNICIPALITIES. (a) This section applies only to a
1-14 municipality with a population of 1.5 million or more.

1-15 (b) Any person desiring to operate one or more mobile food
1-16 units in a municipality subject to this section other than
1-17 restricted operations mobile food units shall obtain an individual
1-18 medallion for each operating mobile food unit from the health
1-19 officer of the municipality. Each medallion will be issued
1-20 unit-by-unit only after an inspection reveals satisfactory
1-21 compliance with the provisions of this chapter and applicable
1-22 municipal regulations or ordinances relating to mobile food units.
1-23 The medallions shall remain the property of the municipality.

1-24 (c) A person may not operate or cause to be operated any
1-25 mobile food unit that does not possess a valid medallion issued by
1-26 the health officer.

1-27 (d) A medallion shall be affixed by the health officer or
1-28 the health officer's authorized agents on the mobile food unit in a
1-29 conspicuous place where it can be viewed by patrons.

1-30 (e) Application for a medallion shall be made on forms
1-31 provided by the health officer and must include:

1-32 (1) the applicant's full name and mailing address;

1-33 (2) the address of the location at which the mobile
1-34 food unit is stationed when not in use;

1-35 (3) the business name and address of the commissary or
1-36 other fixed food service establishment from which potentially
1-37 hazardous food supplies are obtained;

1-38 (4) the address of the servicing area;

1-39 (5) a description of the mobile food unit that
1-40 includes the manufacturer's make, model, and serial number;

1-41 (6) the vehicle's state registration number; and

1-42 (7) the signature of the applicant.

1-43 (f) All of the provisions of this chapter and applicable
1-44 municipal regulations or ordinances pertaining to food service
1-45 establishments apply to the commissary or other fixed food service
1-46 establishment from which the food supplies are obtained. Any
1-47 suspension or revocation of the food dealer's permit for a food
1-48 service establishment is cause for suspension or revocation of the
1-49 medallion of any mobile food unit that is supplied or serviced by
1-50 the establishment.

1-51 SECTION 2. Section 437.0074, Health and Safety Code, is
1-52 amended by adding Subsection (c) to read as follows:

1-53 (c) A municipality with a population of 1.5 million or more
1-54 in a county with a population of 2.8 million or more shall require a
1-55 mobile food unit, other than a mobile food unit that handles only
1-56 prepackaged food and does not prepare or package food, to obtain a
1-57 time and date stamp on the documentation required under Subsection
1-58 (a)(2) from a time and date stamp unit that is constructed to
1-59 prevent tampering and approved by the municipality's governing
1-60 body. A record kept by the municipality regarding the time and date
1-61 stamp on the documentation under Subsection (a)(2) by means of an
1-62 electronic tagging system under Subsection (b) controls if that
1-63 record is inconsistent with the record kept by the mobile food unit.

1-64 SECTION 3. (a) Notwithstanding Section 437.0073, Health

2-1 and Safety Code, as added by this Act, a person is not required to
2-2 obtain a medallion for a mobile food unit under that section before
2-3 October 1, 2009.

2-4 (b) Not later than December 1, 2009, the governing body of a
2-5 municipality to which this Act applies shall approve time and date
2-6 stamp units to be used under Section 437.0074(c), Health and Safety
2-7 Code, as added by this Act.

2-8 SECTION 4. (a) Except as provided by Subsection (b) of this
2-9 section, this Act takes effect immediately if it receives a vote of
2-10 two-thirds of all the members elected to each house, as provided by
2-11 Section 39, Article III, Texas Constitution. If this Act does not
2-12 receive the vote necessary for immediate effect, this Act takes
2-13 effect September 1, 2009.

2-14 (b) Section 2 of this Act takes effect January 1, 2010.

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