

By: Coleman

H.B. No. 3007

A BILL TO BE ENTITLED

AN ACT

relating to food handlers.

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

SECTION 1. Chapter 437, Health and Safety Code, is amended by adding Section 437.0057 to read as follows:

Sec. 437.0057. REGULATION OF FOOD HANDLERS BY COUNTIES, PUBLIC HEALTH DISTRICTS, AND THE DEPARTMENT. (a) A county, a public health district, or the department may require certification under Subchapter D, Chapter 438, for each food handler who is employed by a food service establishment in which food is prepared on-site for sale to the public and which holds a permit issued by the county, the public health district, or the department. This section applies without regard to whether the food service establishment is at a fixed location or is a mobile food unit.

(b) A county, a public health district, or the department may not require an establishment that handles only prepackaged food and does not prepare or package food to employ certified food handlers under this section.

(c) The department by rule may exempt a category of food service establishment from the requirement that a county, a public health district, or the department may impose under Subsection (a) if the department determines that the application of Subsection (a) to that type of establishment is not necessary to protect public health and safety.

1       (d) A county, a public health district, or the department  
2 may exempt a category of food service establishment from the  
3 requirement that the county, public health district, or department  
4 has imposed under Subsection (a) if the county, the public health  
5 district, or the department determines that the application of  
6 Subsection (a) to that type of establishment is not necessary to  
7 protect public health and safety.

8       (e) The following entities are exempt from a requirement  
9 imposed under Subsection (a):

10           (1) a bed and breakfast establishment described by  
11 Section 437.019(a) or (b); and

12           (2) a child-care facility, as defined by Section  
13 42.002, Human Resources Code.

14       SECTION 2. This Act takes effect September 1, 2009.