

By: Coleman

H.B. No. 3012

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) The requirements of certification under this section may not be more stringent than the requirements of Subchapter D, Chapter 438.

(c) 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.

(d) A county, a public health district, or the department may exempt a food service establishment from the requirement that the county, public health district, or department has imposed under

1 Subsection (a) if the county, the public health district, or the
2 department determines that the application of Subsection (a) to
3 that establishment is not necessary to protect public health and
4 safety.

5 SECTION 2. Section 438.032(b), Health and Safety Code, is
6 amended to read as follows:

7 (b) A person, firm, corporation, or organization operating
8 or managing a public eating place or vehicle or other place where
9 food is manufactured, processed, prepared, dispensed, or handled in
10 a manner or under circumstances that would permit the probable
11 transmission of disease from a handler to a consumer:

12 (1) may not employ a person described in Subsection
13 (a) to handle the food, utensils, dishes, or serving implements;
14 and

15 (2) shall post a sign in a place conspicuous to
16 employees, in a form adopted by the executive commissioner of the
17 Health and Human Services Commission, describing a food service
18 employee's responsibilities to report certain health conditions to
19 the permit holder under rules adopted by the executive
20 commissioner.

21 SECTION 3. Section 438.034, Health and Safety Code, is
22 amended to read as follows:

23 Sec. 438.034. EMPLOYEE CLEANLINESS. A person handling food
24 or unsealed food containers shall:

- 25 (1) maintain personal cleanliness;
26 (2) wear clean outer garments;
27 (3) keep the person's hands clean; [~~and~~]

1 (4) ~~[either:~~
2 ~~[(A)]~~ wash the person's hands and exposed
3 portions of the person's arms with soap and water:
4 (A) before starting work;
5 (B) ~~[7]~~ during work as often as necessary to
6 avoid cross-contaminating food; and
7 (C) to maintain cleanliness, after smoking,
8 eating, and each visit to the toilet; and ~~[or]~~
9 (5) ~~[(B)]~~ avoid bare-hand contact with exposed food by
10 the use of gloves or utensils ~~[and wash hands after smoking, eating,~~
11 ~~and each visit to the toilet]~~.

12 SECTION 4. (a) Not later than December 1, 2009, the
13 executive commissioner of the Health and Human Services Commission
14 shall adopt the form of the sign required under Section 438.032,
15 Health and Safety Code, as amended by this Act.

16 (b) A person, firm, corporation, or other organization is
17 not required to post the sign required by Section 438.032, Health
18 and Safety Code, as amended by this Act, before January 1, 2010.

19 SECTION 5. This Act takes effect September 1, 2009.