

By: Ellis

S.B. No. 1883

A BILL TO BE ENTITLED

AN ACT

relating to food safety.

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

SECTION 1. Subchapter J, Chapter 431, Health and Safety Code, is amended by adding Section 431.227 to read as follows:

Sec. 431.227. DUTIES OF FOOD MANUFACTURERS. (a) A food manufacturer that tests for contamination food manufactured by the manufacturer or any food additive, raw agricultural commodity, or other ingredient used in the food shall immediately report to the department if the food manufacturer finds that the food or ingredient contains a substance, microorganism, pathogen, or other contaminant that is injurious to health or that is present in a quantity that is injurious to health.

(b) The department by rule shall develop protocols to assess the threat of contamination and protect the public health.

SECTION 2. 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, obtained not later than the 30th day after the date a food handler is employed 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

1 issued by the county, the public health district, or the
2 department. This section applies without regard to whether the
3 food service establishment is at a fixed location or is a mobile
4 food unit.

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

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

12 (d) A county, a public health district, or the department
13 may exempt a food service establishment from the requirement that
14 the county, public health district, or department has imposed under
15 Subsection (a) if the county, the public health district, or the
16 department determines that the application of Subsection (a) to
17 that establishment is not necessary to protect public health and
18 safety.

19 (e) A person employed as a food handler on the date a
20 certification requirement imposed by a county, a public health
21 district, or the department under this section becomes effective is
22 not required to obtain certification until the 60th day after the
23 date the requirement becomes effective.

24 SECTION 3. Section 438.032(b), Health and Safety Code, is
25 amended to read as follows:

26 (b) A person, firm, corporation, or organization operating
27 or managing a public eating place or vehicle or other place where

1 food is manufactured, processed, prepared, dispensed, or handled in
2 a manner or under circumstances that would permit the probable
3 transmission of disease from a handler to a consumer:

4 (1) may not employ a person described in Subsection
5 (a) to handle the food, utensils, dishes, or serving implements;
6 and

7 (2) shall post a sign in a place conspicuous to
8 employees, in a form adopted by the executive commissioner of the
9 Health and Human Services Commission, describing a food service
10 employee's responsibilities to report certain health conditions to
11 the permit holder under rules adopted by the executive
12 commissioner.

13 SECTION 4. Section 438.034, Health and Safety Code, is
14 amended to read as follows:

15 Sec. 438.034. EMPLOYEE CLEANLINESS. A person handling food
16 or unsealed food containers shall:

- 17 (1) maintain personal cleanliness;
- 18 (2) wear clean outer garments;
- 19 (3) keep the person's hands clean; ~~and~~
- 20 (4) ~~either:~~

21 ~~[(A)]~~ wash the person's hands and exposed
22 portions of the person's arms with soap and water:

- 23 (A) before starting work;
- 24 (B) ~~[7]~~ during work as often as necessary to
25 avoid cross-contaminating food; and

26 (C) to maintain cleanliness, after smoking,
27 eating, and each visit to the toilet; and ~~[or]~~

1 (5) [~~(B)~~] avoid bare-hand contact with exposed food by
2 the use of gloves or utensils [~~and wash hands after smoking, eating,~~
3 ~~and each visit to the toilet~~].

4 SECTION 5. (a) Section 431.227(a), Health and Safety Code,
5 as added by this Act, applies only to a test of a food or food
6 ingredient performed on or after December 1, 2009.

7 (b) Not later than December 1, 2009, the executive
8 commissioner of the Health and Human Services Commission shall
9 adopt the form of the sign required under Section 438.032, Health
10 and Safety Code, as amended by this Act.

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

14 SECTION 6. This Act takes effect September 1, 2009.