By: Ellis S.B. No. 1887

A BILL TO BE ENTITLED

Τ	AN ACT
2	relating to food handlers.
3	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
4	SECTION 1. Chapter 437, Health and Safety Code, is amended
5	by adding Section 437.0057 to read as follows:
6	Sec. 437.0057. REGULATION OF FOOD HANDLERS BY COUNTIES,
7	PUBLIC HEALTH DISTRICTS, AND THE DEPARTMENT. (a) A county, a
8	public health district, or the department may require certification
9	under Subchapter D, Chapter 438, obtained not later than the 30th
10	day after the date a food handler is employed for each food handler
11	who is employed by a food service establishment in which food is
12	prepared on-site for sale to the public and which holds a permit
13	issued by the county, the public health district, or the
14	department. This section applies without regard to whether the
15	food service establishment is at a fixed location or is a mobile
16	food unit.
17	(b) The requirements of certification under this section

- 1
- 18 may not be more stringent than the requirements of Subchapter D,
- Chapter 438. 19
- (c) A county, a public health district, or the department 20
- 21 may not require an establishment that handles only prepackaged food
- and does not prepare or package food to employ certified food 22
- handlers under this section. 23
- 24 (d) A county, a public health district, or the department

- 1 may exempt a food service establishment from the requirement that
- 2 the county, public health district, or department has imposed under
- 3 Subsection (a) if the county, the public health district, or the
- 4 department determines that the application of Subsection (a) to
- 5 that establishment is not necessary to protect public health and
- 6 safety.
- 7 (e) A person employed as a food handler on the date a
- 8 certification requirement imposed by a county, a public health
- 9 district, or the department under this section becomes effective is
- 10 not required to obtain certification until the 60th day after the
- 11 date the requirement becomes effective.
- 12 SECTION 2. Section 438.032(b), Health and Safety Code, is
- 13 amended to read as follows:
- 14 (b) A person, firm, corporation, or organization operating
- 15 or managing a public eating place or vehicle or other place where
- 16 food is manufactured, processed, prepared, dispensed, or handled in
- 17 a manner or under circumstances that would permit the probable
- 18 transmission of disease from a handler to a consumer:
- 19 (1) may not employ a person described in Subsection
- 20 (a) to handle the food, utensils, dishes, or serving implements;
- 21 <u>and</u>
- 22 (2) shall post a sign in a place conspicuous to
- 23 employees, in a form adopted by the executive commissioner of the
- 24 Health and Human Services Commission, describing a food service
- 25 <u>employee's responsibilities to report certain health conditions to</u>
- 26 the permit holder under rules adopted by the executive
- 27 commissioner.

- S.B. No. 1887
- 1 SECTION 3. Section 438.034, Health and Safety Code, is
- 2 amended to read as follows:
- 3 Sec. 438.034. EMPLOYEE CLEANLINESS. A person handling food
- 4 or unsealed food containers shall:
- 5 (1) maintain personal cleanliness;
- 6 (2) wear clean outer garments;
- 7 (3) keep the person's hands clean; [and]
- 8 (4) [either:
- 9 $\left[\frac{(A)}{A}\right]$ wash the person's hands and exposed
- 10 portions of the person's arms with soap and water:
- 11 (A) before starting work;
- (B) $[\tau]$ during work as often as necessary to
- 13 avoid cross-contaminating food; and
- 14 (C) to maintain cleanliness, after smoking,
- 15 eating, and each visit to the toilet; and [or]
- 16 (5) [(B)] avoid bare-hand contact with exposed food by
- 17 the use of gloves or utensils [and wash hands after smoking, eating,
- 18 and each visit to the toilet].
- 19 SECTION 4. (a) Not later than December 1, 2009, the
- 20 executive commissioner of the Health and Human Services Commission
- 21 shall adopt the form of the sign required under Section 438.032,
- 22 Health and Safety Code, as amended by this Act.
- 23 (b) A person, firm, corporation, or other organization is
- 24 not required to post the sign required by Section 438.032, Health
- 25 and Safety Code, as amended by this Act, before January 1, 2010.
- 26 SECTION 5. This Act takes effect September 1, 2009.