

By: Nelson
(Kolckhorst)

S.B. No. 81

Substitute the following for S.B. No. 81:

By: Naishtat

C.S.S.B. No. 81

A BILL TO BE ENTITLED

AN ACT

relating to food safety.

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

SECTION 1. Section 431.2211(a), Health and Safety Code, is amended to read as follows:

(a) A person is not required to hold a license under this subchapter if the person is:

(1) a person, firm, or corporation that only harvests, packages, or washes~~[, or ships]~~ raw fruits or vegetables for shipment at the location of harvest;

(2) an individual who only sells prepackaged nonperishable foods, including dietary supplements, from a private home as a direct seller;

(3) a person who holds a license under Chapter 432 and who only engages in conduct within the scope of that license; or

(4) a restaurant that provides food for immediate human consumption to a political subdivision or to a licensed nonprofit organization if the restaurant would not otherwise be required to hold a license under this subchapter.

SECTION 2. Section 431.226(b), Health and Safety Code, is amended to read as follows:

(b) The board by rule shall establish minimum standards for granting and maintaining a license. In adopting rules under this section, the board shall:

1 (1) ensure that the minimum standards prioritize safe
2 handling of fruits and vegetables based on known safety risks,
3 including any history of outbreaks of food-borne communicable
4 diseases; and

5 (2) consider acceptable produce safety standards
6 developed by a federal agency, state agency, or university.

7 SECTION 3. Subchapter J, Chapter 431, Health and Safety
8 Code, is amended by adding Section 431.227 to read as follows:

9 Sec. 431.227. FOOD SAFETY BEST PRACTICE EDUCATION PROGRAM.

10 (a) The department shall approve food safety best practice
11 education programs for places of business licensed under this
12 chapter.

13 (b) A place of business that completes a food safety best
14 practice education program approved by the department shall receive
15 a certificate valid for five years from the date of completion of
16 the program.

17 (c) When determining which places of business to inspect
18 under Section 431.042, the appropriate inspecting authority shall
19 consider whether the place of business holds a valid certificate
20 from a food safety best practice education program under this
21 section.

22 (d) The executive commissioner of the Health and Human
23 Services Commission shall adopt rules to implement this section.

24 SECTION 4. Section 431.244, Health and Safety Code, is
25 amended by adding Subsection (f) to read as follows:

26 (f) For any federal regulation adopted as a state rule under
27 this chapter, including a regulation considered to be a rule for

1 purposes of this chapter under Subsection (a), (b), or (c), the
2 Department of State Health Services shall provide on its Internet
3 website:

- 4 (1) a link to the text of the federal regulation;
5 (2) a clear explanation of the substance of and
6 purpose for the regulation; and
7 (3) information on providing comments in response to
8 any proposed or pending federal regulation, including an address to
9 which and the manner in which comments may be submitted.

10 SECTION 5. (a) Except as provided by Subsection (b) of this
11 section, this Act takes effect September 1, 2011.

12 (b) Section 431.2211(a), Health and Safety Code, as amended
13 by this Act, takes effect September 1, 2012.