

BILL ANALYSIS

H.B. 1393
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Agriculture & Livestock
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that under certain state regulations, a person selling certain food directly to consumers is considered a food establishment, which subjects small-scale farmers and local food producers selling at farm stands and farmers' markets to some regulatory requirements that are applied to large-scale grocers and fast food restaurants. The parties contend that one of the most problematic regulatory requirements is for certain licensed facilities to be in a building separate from a residence. H.B. 1393 seeks to address these issues in order to lower regulatory costs for small business owners without lowering food safety protections and operational standards.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1393 amends the Health and Safety Code to authorize a licensed food manufacturer, food wholesaler, or warehouse operator or a permitted food service establishment or retail food store to operate out of a home. The bill prohibits Department of State Health Services rules from requiring a place of business or the premises of a food service establishment or retail food store to be located in an area of the home that is completely partitioned from the areas used as living or sleeping quarters or in a building separate from the home. The bill's provisions apply to the operation of a food manufacturer, food wholesaler, warehouse operator, food service establishment, or retail food store on or after January 1, 2014.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.