

By: King of Taylor, Rodriguez of Travis,
et al.

H.B. No. 1393

A BILL TO BE ENTITLED

AN ACT

relating to the use of a home by food production and sales
operations.

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

SECTION 1. Section 431.221, Health and Safety Code, is
amended by adding Subdivision (8) to read as follows:

(8) "Home" means a primary residence that contains a
kitchen and appliances designed for common residential usage.

SECTION 2. Subchapter J, Chapter 431, Health and Safety
Code, is amended by adding Section 431.228 to read as follows:

Sec. 431.228. PLACE OF BUSINESS IN HOME. A food
manufacturer, food wholesaler, or warehouse operator licensed
under this subchapter may operate out of a home. Department rules
may not require a place of business 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.

SECTION 3. Chapter 437, Health and Safety Code, is amended
by adding Section 437.022 to read as follows:

Sec. 437.022. FACILITY WITHIN HOME. A food service
establishment or retail food store permitted under this subchapter
may operate out of a home. Department rules may not require the
premises of a food service establishment or retail food store to be
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

1 the home.

2 SECTION 4. The change in law made by this Act applies only
3 to the operation of a food manufacturer, food wholesaler, warehouse
4 operator, food service establishment, or retail food store on or
5 after January 1, 2014. The operation of a food manufacturer, food
6 wholesaler, warehouse operator, food service establishment, or
7 retail food store before January 1, 2014, is governed by the law in
8 effect immediately before the effective date of this Act, and that
9 law is continued in effect for that purpose.

10 SECTION 5. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2013.