

## **BILL ANALYSIS**

Senate Research Center  
84R23240 SCL-D

H.B. 1846  
By: King, Susan (Rodríguez)  
Health & Human Services  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, the Department of State Health Services (DSHS) can enter into an agreement or contract with a federal agency in order to implement recent federal food safety law without notification or feedback from the general public. A process should be established to allow for public comment and input regarding such implementation. H.B. 1846 seeks to address this issue.

H.B. 1846 amends Chapter 431 of the Health and Safety Code to require DSHS to post a notice on its website regarding the grants and contracts it has requested from or entered into with the United States Food and Drug Administration for implementing the Federal Food, Drug, and Cosmetic Act. The bill requires DSHS to solicit and respond to public comments related to the grants and contracts.

H.B. 1846 amends current law relating to public comments on federal grants and contracts related to the Federal Food, Drug, and Cosmetic Act.

[**Note:** While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Service, as the successor agency to TDH.]

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter K, Chapter 431, Health and Safety Code, by adding Section 431.250, as follows:

Sec. 431.250. PUBLIC COMMENTS FOR FEDERAL GRANTS AND CONTRACTS.

(a) Requires the Texas Department of Health (TDH) to annually solicit comments from interested persons regarding the grants and contracts TDH has requested from or entered into with the United States Food and Drug Administration (FDA) for implementing the federal Act and its amendments, including the Food Safety Modernization Act (21 U.S.C. Section 2201 et seq.).

(b) Requires TDH to solicit comments by posting on TDH's Internet website a detailed description of and providing notice to interested persons of each grant and contract described by Subsection (a) requested or entered into during the previous year. Requires that the description and notice include the benefits to this state, TDH, the regulated community, and the public.

(c) Requires TDH to respond to questions and comments about a grant or contract described by Subsection (a) to the best of TDH's knowledge. Requires TDH, if an interested person requests that TDH decline to receive future federal funding from the grant or contract, to consider the request and determine whether the benefits of the grant or contract outweigh the person's concerns.

SECTION 2. Effective date: September 1, 2015.