

## **BILL ANALYSIS**

C.S.H.B. 1846  
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Agriculture & Livestock  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, interested parties note, the Department of State Health Services 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. The parties contend that a process should be established to allow for public comment and input regarding such implementation. C.S.H.B. 1846 seeks to address this issue.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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**

C.S.H.B. 1846 amends the Health and Safety Code to require the Department of State Health Services (DSHS) to annually solicit comments from interested persons regarding the grants and contracts DSHS has requested from or entered into with the U.S. Food and Drug Administration for implementing the Federal Food, Drug, and Cosmetic Act and its amendments, including the Food Safety Modernization Act. The bill requires DSHS to solicit comments by posting on its website a detailed description of and providing notice to interested persons of each such grant and contract requested or entered into during the previous year. The bill requires the description and notice to include the benefits to the state, DSHS, the regulated community, and the public. The bill requires DSHS to respond to questions and comments about a grant or contract to the best of DSHS's knowledge. The bill requires DSHS to consider a request by an interested person that DSHS decline to receive future federal funding from the grant or contract and requires DSHS to determine whether the benefits of the grant or contract outweigh the person's concerns.

### **EFFECTIVE DATE**

September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1846 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter K, Chapter 431, Health and Safety Code, is amended by adding Section 431.250 to read as follows:

Sec. 431.250. NOTIFICATION OF IMPLEMENTATION OR ENFORCEMENT OF FEDERAL ACT. Before the department or the Department of Agriculture may enter into an agreement, memorandum of understanding, or contract with a federal agency to implement or enforce a provision of the federal Act, the affected department shall: (1) publish the proposed agreement, memorandum, or contract in the Texas Register; (2) allow at least 90 days for the public to submit comments after publication; (3) consult with and provide a copy of the submitted public comments to the presiding officers of the standing committees of the senate and house of representatives having primary jurisdiction over food safety regulations; and (4) publish a final notice in the Texas Register that includes: (A) a summary of the public comments and consultation with the presiding officers; (B) a determination on whether the affected department will enter into the proposed agreement, memorandum, or contract; and (C) any changes made as a result of the public comments or consultation with the presiding officers.

No equivalent provision. (But see SECTION 1 above.)

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision. (But see SECTION 1 below.)

SECTION 1. Subchapter K, Chapter 431, Health and Safety Code, is amended by adding Section 431.250 to read as follows:

Sec. 431.250. PUBLIC COMMENTS FOR FEDERAL GRANTS AND CONTRACTS. (a) The department shall annually solicit comments from interested persons regarding the grants and contracts the department has requested from or entered into with the United States Food and Drug Administration for implementing the federal Act and its amendments, including the Food Safety Modernization Act (21 U.S.C. Section 2201 et seq.). (b) The department shall solicit comments by posting on the department'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. The description and notice must include the benefits to this state, the department, the regulated community, and the public.

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

**No equivalent provision.**

SECTION 2. The change in law made by this Act applies only to an agreement, memorandum of understanding, or contract entered into on or after the effective date of this Act. An agreement, memorandum, or contract entered into before the effective date of this Act is governed by the law in effect on the date the agreement, memorandum, or contract was entered into, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2015.

SECTION 2. Same as introduced version.