

BILL ANALYSIS

Senate Research Center

S.B. 582
By: Kolkhorst
Health & Human Services
7/6/2015
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 582 eliminates the ability of a local jurisdiction to charge a fee to a food handler who has received accreditation from a national organization. Fees vary from locality to locality and create a burden on otherwise qualified individuals.

Current law (Section 437.0057 (Regulation of Food Handlers and Other Food Service Employees by Counties, Public Health Districts, and the Department), Health and Safety Code) provides that a local health authority may require food handlers to be certified by a training program authorized under Chapter 438 (Public Health Measures Relating to Food) and that the local health authority may issue a permit or certification authorizing the worker to be employed in a food service establishment.

Training courses for food handlers are currently under the accreditation of the Department of State Health Services (DSHS) in Subchapter D (Food Services Programs), Chapter 438, Health and Safety Code.

A food handler who takes an accredited food handler training course pays a fee to the training provider of anywhere between \$10 to \$15 for the training and a certificate designating the successful completion of the course. That certificate is then taken to the health authority for the issuance of a permit.

Section 438.046(c), Health and Safety Code, provides that a local health jurisdiction or county may impose a fee to issue a permit to a worker that has been trained in an accredited course. It is not uncommon for a local health authority to charge a fee of \$10 to \$12 and in some jurisdictions the fees are as high as \$15 (which likely exceeds reasonable costs of issuance).

The fee charged by a local health jurisdiction may not exceed the lesser of the reasonable cost incurred by the jurisdiction in issuing the permit or the fee charged by the jurisdiction to issue a permit to a food service worker as having met the training and testing requirements by any other means. Local fees for food handler permits must not exceed reasonable costs to issue the permit.

Food service workers generally bear this cost and if they work in more than one city or county they have to pay for a food handler permit in each jurisdiction that requires a food handler training.

S.B. 582 amends current law relating to training courses for certain food handlers.

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 Section 438.046, Health and Safety Code, by adding Subsection (b-1), as follows:

(b-1) Provides that a food service worker trained in a food handler training course accredited by the American National Standards Institute is considered to have met a local health jurisdiction's training, testing, and permitting requirements. Authorizes a local health jurisdiction to require a food establishment, as that term is defined by Section 438.101 (Definitions), to maintain on the premises of the food establishment a certificate of completion of the training course for employees of the food establishment.

SECTION 2. Effective date: upon passage or September 1, 2015.