

## BILL ANALYSIS

C.S.S.B. 582  
By: Kolkhorst  
Public Health  
Committee Report (Substituted)

### BACKGROUND AND PURPOSE

Interested parties note that a local health jurisdiction may require food handlers to be certified by a training program accredited under state law. However, the parties have expressed certain concerns regarding this issue, among them a concern that such training programs vary from locality to locality and create a burden on otherwise qualified individuals. C.S.S.B. 582 seeks to address these issues.

### 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.S.B. 582 amends the Health and Safety Code to establish 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. The bill authorizes a local health jurisdiction to require a food establishment to maintain on the premises of the food establishment a certificate of completion of the training course for employees of the food establishment.

### EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

### COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 582 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

#### SENATE ENGROSSED

SECTION 1. Section 437.0057, Health and Safety Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), and (f) to read as follows:  
(a) A county, a public health district, or the

#### HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

department may require certification [~~under Subchapter D, Chapter 438,~~] for each food handler who is employed by a food service establishment in which food is prepared on-site for sale to the public and which holds a permit issued by the county, the public health district, or the department.

(a-1) For purposes of this section, a food handler receives certification by successfully completing a food handler education or training program:

(1) accredited under Subchapter D, Chapter 438; or

(2) accredited by the American National Standards Institute.

(a-2) This section applies without regard to whether the food service establishment is at a fixed location or is a mobile food unit.

(f) The department may not adopt a rule, regulation, or policy that requires food service workers in the state to successfully complete a food handler training course. This subsection does not prevent the state, a county, or a public health district from imposing a food handler training course requirement in a location regulated by the state, county, or public health district.

SECTION 2. Section 437.0195(a), Health and Safety Code, is amended to read as follows:

(a) An individual who operates a cottage food production operation must have successfully completed a basic food safety education or training program for food handlers:

(1) accredited under Subchapter D, Chapter 438; or

(2) accredited by the American National Standards Institute.

No equivalent provision.

SECTION 3. Section 437.0203(c), Health and Safety Code, is amended to read as follows:

(c) A person may conduct a cooking demonstration at a farmers' market only if:

(1) regardless of whether the demonstrator provides a sample of food to consumers [~~the farmers' market that hosts the demonstration~~]:

(A) the [has an] establishment operator [with a valid certification under Subchapter D, Chapter 438,] supervising the demonstration has completed a food handler

No equivalent provision.

education or training program:

(i) accredited under Subchapter D, Chapter 438; or

(ii) accredited by the American National Standards Institute; and

(B) the farmers' market that hosts the demonstration complies with Sections 437.020 and 437.0202, the requirements of a temporary food establishment under this chapter, and rules adopted under this chapter; and

(2) when the demonstrator provides a sample of food to consumers:

(A) the demonstrator provides a sample only and not a full serving; and

(B) samples of food prepared during a demonstration are disposed of not later than two hours after the beginning of the demonstration.

SECTION 4. Section 438.046, Health and Safety Code, is amended by amending Subsections (b) and (c) and adding Subsections (b-1), (b-2), and (d) to read as follows:

(b) A local health jurisdiction that requires training for a food service worker shall accept as sufficient to meet the jurisdiction's training and testing requirements a training course that is:

(1) accredited by the department and listed with the registry; or

(2) accredited by the American National Standards Institute.

(b-1) A food service worker trained in a course for the employees of a single entity is considered to have met a local health jurisdiction's training and testing requirements only as to food service performed for that entity.

(b-2) A food service worker trained in a course offered or permitted by a local health jurisdiction is considered to have met a local health jurisdiction's training and testing requirements as to food service performed in that jurisdiction only.

SECTION 1. Section 438.046, Health and Safety Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) 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. A local health jurisdiction may require a food establishment, as that term is defined by Section 438.101, to maintain on the premises of the food establishment a certificate of completion of the training course for employees of the food establishment.

(c) Except as provided by Subsection (d), any [Any] fee charged by a local health jurisdiction for a certificate issued to a food service worker trained by an accredited course listed in the registry may not exceed the lesser of:

- (1) the reasonable cost incurred by the jurisdiction in issuing the certificate; or
- (2) the fee charged by the jurisdiction to issue a certificate to a food service worker certified by the jurisdiction as having met the training and testing requirements by any other means.

(d) A local health jurisdiction may not charge a fee for a certificate issued to a food handler trained by an accredited course described by Subsection (b).

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

No equivalent provision.

No equivalent provision.

SECTION 2. Same as engrossed version.