

By: Kolkhorst

S.B. No. 582

A BILL TO BE ENTITLED

AN ACT

relating to education and training programs for food handlers;
eliminating the authority of a local health jurisdiction to require
certain fees.

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

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 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

1 policy that requires food service workers in the state to
2 successfully complete a food handler training course. This
3 subsection does not prevent the state, a county, or a public health
4 district from imposing a food handler training course requirement
5 in a location regulated by the state, county, or public health
6 district.

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

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

- 12 (1) accredited under Subchapter D, Chapter 438; or
13 (2) accredited by the American National Standards
14 Institute.

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

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

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

22 (A) the [has an] establishment operator [with a
23 valid certification under Subchapter D, Chapter 438,] supervising
24 the demonstration has completed a food handler education or
25 training program:

- 26 (i) accredited under Subchapter D, Chapter
27 438; or

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

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

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

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

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

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

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

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

23 (2) accredited by the American National Standards
24 Institute.

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

1 food service performed for that entity.

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

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

10 (1) the reasonable cost incurred by the jurisdiction
11 in issuing the certificate; or

12 (2) the fee charged by the jurisdiction to issue a
13 certificate to a food service worker certified by the jurisdiction
14 as having met the training and testing requirements by any other
15 means.

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

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