

By: Kolkhorst

S.B. No. 582

A BILL TO BE ENTITLED

1 AN ACT
2 relating to education and training programs for food handlers;
3 eliminating the authority of a local health jurisdiction to require
4 certain fees.

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

6 SECTION 1. Section 437.0057, Health and Safety Code, is
7 amended by amending Subsection (a) and adding Subsections (a-1) and
8 (a-2) to read as follows:

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

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

18 (1) accredited under Subchapter D, Chapter 438; or
19 (2) accredited by the American National Standards
20 Institute.

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

24 SECTION 2. Section 437.0195(a), Health and Safety Code, is

1 amended to read as follows:

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

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

6 (2) accredited by the American National Standards
7 Institute.

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

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

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

15 (A) the [has an] establishment operator [with a
16 valid certification under Subchapter D, Chapter 438,] supervising
17 the demonstration has completed a food handler education or
18 training program:

19 (i) accredited under Subchapter D, Chapter
20 438; or

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

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

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

1 consumers:

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

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

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

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

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

16 (2) accredited by the American National Standards
17 Institute.

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

22 (c) A ~~[Any fee charged by a]~~ local health jurisdiction may
23 not charge a fee for a certificate issued to a food service worker
24 trained by an accredited course described by Subsection (b) ~~[listed~~
25 ~~in the registry may not exceed the lesser of:~~

26 ~~[(1) the reasonable cost incurred by the jurisdiction~~
27 ~~in issuing the certificate, or~~

1 ~~[(2) the fee charged by the jurisdiction to issue a~~
2 ~~certificate to a food service worker certified by the jurisdiction~~
3 ~~as having met the training and testing requirements by any other~~
4 ~~means].~~

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