

BILL ANALYSIS

C.S.H.B. 644
By: VanDeaver
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that the list of food items authorized to be produced under the law regulating cottage food production operations in Texas is too restrictive and excludes foods that are a natural fit for the program. There have been calls to expand the items eligible to be produced under that law. C.S.H.B. 644 seeks to address these calls by authorizing an individual to produce certain additional foods under that law.

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 rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 3 of this bill.

ANALYSIS

C.S.H.B. 644 amends the Health and Safety Code to require a cottage food production operation that sells to consumers acidified canned goods, defined by the bill as food with a finished equilibrium pH value of 4.6 or less that is thermally processed before being placed in an airtight container, to use a recipe that:

- is from a source approved by the Department of State Health Services (DSHS);
- has been tested by an appropriately certified laboratory that confirmed the finished canned good has an equilibrium pH value of 4.6 or less; or
- is approved by a qualified process authority, defined by the bill as a person who has expert knowledge acquired through appropriate training and experience in the acidification and process of acidified foods.

The bill requires a cottage food production operation that sells to consumers acidified canned goods and does not use such a recipe to test each batch of the recipe with a calibrated pH meter to confirm the finished canned good has an equilibrium pH value of 4.6 or less. The bill requires DSHS to approve sources for recipes that a cottage food production operation may use to produce acidified canned goods and requires DSHS to post annually on the DSHS website a list of the approved sources for recipes, appropriately certified laboratories, and qualified process authorities.

C.S.H.B. 644 replaces pickles with pickled fruit or vegetables, including beets and carrots, that are preserved in a certain manner as a type of item an individual may produce under a cottage food production operation. The bill includes acidified canned goods and any food that is not a potentially hazardous food as such types of items. The bill removes the restriction that an individual operating as a cottage food production operation sell applicable foods directly to

consumers only at the individual's home, a farmers' market, a farm stand, or a municipal, county, or nonprofit fair, festival, or event.

C.S.H.B. 644 requires the executive commissioner of the Health and Human Services Commission to adopt rules as necessary to implement the bill.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 644 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes the following:

- provisions that relate to requirements for the sale of acidified canned goods and that include such canned goods and any food that is not a potentially hazardous food as types of items that may be produced under a cottage food production operation;
- a specification that the pickled fruit or vegetables that may be produced under such an operation are pickled fruit or vegetables, including beets and carrots, that are preserved in a certain manner.
- a provision removing the restriction that an individual operating as a cottage food production operation sell applicable foods directly to consumers only at the individual's home, a farmers' market, a farm stand, or a municipal, county, or nonprofit fair, festival, or event; and
- a requirement that the executive commissioner of the Health and Human Services Commission adopt rules as necessary to implement the bill.