

BILL ANALYSIS

Senate Research Center
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S.B. 1409
By: Hall
Agriculture
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 1409 amends current law and authorizes the Texas Department of Agriculture to comply with produce safety standards by the United States Food and Drug Administration for produce safety relating to the Food Safety Modernization Act without additional or more burdensome requirements.

As proposed, S.B. 1409 amends current law relating to the administration, implementation, and enforcement of federal produce safety standards by the Department of Agriculture.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Department of Agriculture is modified in SECTION 1 (Section 91.009, Agriculture Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 91.009(a), (c-1), and (d), Agriculture Code, as follows:

(a) Requires the Texas Department of Agriculture (TDA) to administer, implement, and enforce in this state the United States Food and Drug Administration Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption (21 C.F.R. Part 112) or any successor federal produce safety rule or standard, rather than providing that TDA is the lead agency for the administration, implementation, and enforcement of, and education and training relating to, those standards.

(c-1) Authorizes TDA to enter into a cooperative agreement, interagency agreement, grant agreement, or memorandum of understanding with a federal or state agency as necessary to carry out TDA's administration, implementation, or enforcement of this section, rather than for the administration, implementation, or enforcement of this section.

(d) Prohibits TDA's rules from imposing additional or more burdensome requirements than those provided by the applicable federal rule or standard or standard described by Subsection (a).

SECTION 2. Effective date: upon passage or September 1, 2019.