By:  Lambert, et al. (Senate Sponsor - Johnson) H.B. No. 1694

(In the Senate - Received from the House April 29, 2019; April 29, 2019, read first time and referred to Committee on Health & Human Services; May 17, 2019, reported favorably by the following vote: Yeas 9, Nays 0; May 17, 2019, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Kolkhorst         X

Perry             X

Buckingham        X

Campbell          X

Flores            X

Johnson           X

Miles             X

Powell            X

Seliger           X

A BILL TO BE ENTITLED

AN ACT

relating to limitations on food regulations at farms, farmers' markets, and cottage food production operations.

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

SECTION 1.  Section 437.020(a)(2), Health and Safety Code, is amended to read as follows:

(2)  "Food" means an agricultural, apicultural, horticultural, silvicultural, viticultural, or vegetable product for human consumption, in either its natural or processed state, that has been produced or processed or otherwise has had value added to the product in this state. The term includes:

(A)  fish or other aquatic species;

(B)  livestock, a livestock product, or a livestock by-product;

(C)  planting seed;

(D)  poultry, a poultry product, or a poultry by-product;

(E)  wildlife processed for food or by-products;

(F)  a product made from a product described by this subdivision by a farmer or other producer, including a cottage food production operation, who grew or processed the product; or

(G)  produce.

SECTION 2.  Section 437.020, Health and Safety Code, is amended by adding Subsections (b-1), (b-2), (b-3), (f), and (g) to read as follows:

(b-1)  The department or a local government authority, including a local health department, may not require a person to obtain a permit under this chapter to provide samples of food at a farm or farmers' market under this section.

(b-2)  A local government authority, including a local health department, may not regulate the provision of samples of food at a farm or farmers' market except as provided by this chapter.

(b-3)  The department or a local government authority, including a local health department, may:

(1)  perform an inspection to enforce the requirements of this section for preparing and distributing samples of food at a farm or farmers' market; and

(2)  require a person to obtain a permit under this chapter to offer for sale or distribution to consumers food cooked at a farm or farmers' market.

(f)  A cottage food production operation may only provide samples of food described by Section 437.001(2-b)(A) produced by the operation.

(g)  This section does not apply to a person who:

(1)  provides samples of food at a farm or farmers' market; and

(2)  does not sell food directly to consumers at the farm or farmers' market.

SECTION 3.  Section 437.0201(e), Health and Safety Code, is amended to read as follows:

(e)  The executive commissioner, [~~or~~] a state [~~or local~~] enforcement agency, or a local government authority, including a local health department, may not adopt a rule requiring a farmers' market to pay a permit fee for:

(1)  conducting a cooking demonstration [~~or providing samples of food~~] if the demonstration [~~or provision of samples~~] is conducted for a bona fide educational purpose; or

(2)  providing samples of food.

SECTION 4.  This Act takes effect September 1, 2019.

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