By:  Capriglione, et al. H.B. No. 2107

     (Senate Sponsor - Hughes)

(In the Senate - Received from the House April 15, 2019; April 17, 2019, read first time and referred to Committee on Health & Human Services; May 8, 2019, reported favorably by the following vote: Yeas 9, Nays 0; May 8, 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 information provided by a local health jurisdiction on food regulation.

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

SECTION 1.  The heading to Subchapter H, Chapter 438, Health and Safety Code, is amended to read as follows:

SUBCHAPTER H. INFORMATION ON DEPARTMENT OR LOCAL HEALTH JURISDICTION FOOD REGULATION

SECTION 2.  Subchapter H, Chapter 438, Health and Safety Code, is amended by adding Section 438.151 to read as follows:

Sec. 438.151.  DEFINITION. In this subchapter, "local health jurisdiction" means a public health district, county, or municipality that regulates food service establishments, retail food stores, mobile food units, temporary food service establishments, or roadside food vendors.

SECTION 3.  Section 438.152, Health and Safety Code, is amended to read as follows:

Sec. 438.152.  REQUEST FOR INFORMATION.  Unless otherwise prohibited by state or federal law, on receipt of a written request for information pertaining to the regulation of food under this subtitle, the department or a local health jurisdiction shall provide a reasonable and substantial response to the request not later than the 30th day after the date the department or local health jurisdiction receives the request.

SECTION 4.  Section 438.153, Health and Safety Code, is amended to read as follows:

Sec. 438.153.  REQUEST FOR OFFICIAL DETERMINATION. (a)  On receipt of a written request regarding the applicability to a specific circumstance of a regulation or the requirements for compliance with the regulation, the department or local health jurisdiction shall provide an official written determination regarding the applicability of the regulation or the requirements for compliance with the regulation to the requestor not later than the 30th day after the date the department or local health jurisdiction receives the request.

(b)  An official determination made under this section is valid until the regulation that is the subject of the determination is amended by statute, [~~or~~] department rule, or local health jurisdiction regulation.

SECTION 5.  The changes in law made by this Act apply only to a request for information or official determination made under Subchapter H, Chapter 438, Health and Safety Code, as amended by this Act, to a local health jurisdiction on or after January 1, 2020. A request for information or official determination made to a local health jurisdiction before January 1, 2020, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 6.  This Act takes effect September 1, 2019.

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