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By:  Lozano H.B. No. 4346

Substitute the following for H.B. No. 4346:

By:  Coleman C.S.H.B. No. 4346

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of off-site restaurant services; authorizing a permit; authorizing a fee.

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

SECTION 1.  Chapter 437, Health and Safety Code, is amended by adding Section 437.022 to read as follows:

Sec. 437.022.  OFF-SITE RESTAURANT SERVICES. (a) In this section:

(1)  "Catering services" means the preparation and transport of food by an off-site restaurant service operator for consumption at a location other than the premises of the food service establishment of the operator.

(2)  "Off-site restaurant service broker" means a person who contracts with an off-site restaurant service operator for the operator to provide off-site restaurant services.

(3)  "Off-site restaurant service operator" means a food service establishment that provides off-site restaurant services.

(4)  "Off-site restaurant services" means the preparation and transport of meals by an off-site restaurant service operator for service, assembly, individual sale, and consumption at a location other than the premises of the food service establishment of the operator.

(b)  An off-site restaurant service operator may provide off-site restaurant services directly or may provide the services under a contract with an off-site restaurant service broker.

(c)  The executive commissioner shall adopt rules necessary to implement this section. The rules must require an off-site restaurant service operator to:

(1)  provide off-site restaurant services only at a location that:

(A)  is in or adjacent to a commercial building; and

(B)  provides access to toilets, urinals, a mop sink, and a portable or plumbed handwashing sink for customers and employees;

(2)  prepare all food on the premises of the operator and transport the food to the off-site location;

(3)  provide off-site restaurant services for not more than two and one-half hours in any twelve-hour period;

(4)  provide utensils, linens, and other supplies necessary to ensure that food is protected and work spaces are kept clean; and

(5)  ensure that food provided by the operator is properly time or temperature controlled at the off-site location and time or temperature readings of the food are recorded.

(d)  A home-rule municipality may not adopt or enforce a requirement relating to the provision of off-site restaurant services that is more stringent than a requirement prescribed by the executive commissioner under Subsection (c) or that relates to an issue not specifically addressed in rules adopted in accordance with that subsection.

(e)  The department or a municipality, county, or public health district may only require an off-site restaurant service operator that is providing off-site restaurant services to obtain as an additional permit under this chapter the type of permit the operator is required to obtain to provide catering services under this chapter in the jurisdiction.

(f)  The department or a municipality, county, or public health district may not require an off-site restaurant service broker to obtain a food service establishment permit under this chapter to contract for the provision of off-site restaurant services under this section.

(g)  A home-rule municipality may:

(1)  require a person who owns, operates, or otherwise exercises control over a location at which off-site restaurant services are provided to obtain a permit before the services are provided at the location; and

(2)  charge a reasonable fee for the permit.

SECTION 2.  As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt the rules required by Section 437.022, Health and Safety Code, as added by this Act.

SECTION 3.  The change in law made by this Act applies only to off-site restaurant services provided on or after January 1, 2020. Off-site restaurant services provided before that date are governed by the law as it existed immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

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