By:  Lozano H.B. No. 4346

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of off-site restaurant meal service operations:

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

SECTION 1.  Chapter 437, Health and Safety Code, is amended by adding definitions to Section 437.001 (2-b),(6) and (7), with all existing and succeeding sections being renumbered accordingly, to read as follows:

Sec. 437.001.  DEFINITIONS. In this chapter:

(2-b)  "Catering operation" means food service conducted by an off-site restaurant meal operator where food is prepared for delivery and is meant to be served and consumed at a location other than the premises of the off-site restaurant meal operator.

(6)  "Meal service broker" means a person or company who contracts with an off-site restaurant meal operator to conduct an off-site restaurant operation for a non-food establishment or non-temporary food establishment.

(7)  "Off-site restaurant meal operator" means a food establishment or temporary food establishment, licensed under this chapter, which contracts with a non-food establishment or non-temporary food establishment to provide an off-site restaurant operation at a location other than the premises of the license holder.

(8)  "Off-site restaurant operations" means sales of individual meals conducted by an off-site restaurant meal operator where food is prepared for delivery and is meant to be served and consumed at a location other than the premises of the off-site restaurant operator.

SECTION 2.  Chapter 437, Health & Safety Code, is amended by adding Section 437.031 to read as follows:

Sec. 437.031.  OFF-SITE RESTAURANT OPERATIONS CONDUCTED BY AN OFF-SITE RESTAURANT MEAL OPERATOR. (a) The holder of a license issued under this chapter may conduct an off-site restaurant operation directly, or utilizing a meal service broker at a location other than the premises of the license holder if:

(1)  the off-site location is within or adjacent to a commercial building;

(2)  all food is prepared at the premises of the license holder for transportation by the license holder to the off-site location;

(3)  the off-site restaurant service is provided for no more than 4 hours per day at the off-site location;

(4)  the off-site restaurant service shall include supplies, utensils and linens as required by rules adopted under this chapter;

(5)  food shall be time or temperature controlled, as necessary, at the off-site location as required by rules adopted under this chapter;

(6)  access to toilets, urinals, and portable or plumbed handwashing sink shall be provided at the off-site location as required by rules adopted under this chapter.

(b)  A municipality, a county, a public health district or the department may not require a license holder to obtain a separate license to operate an off-site restaurant meal service other than the license by that municipality, county, public health district or the department required of an off-site restaurant meal operator engaged in catering operations in the jurisdiction.

(c)  A municipality, a county, a public health district or the department may not require a meal service broker to obtain a license.

SECTION 3.  This Act takes effect September 1, 2019.