86R5948 SRA-F

By:  Johnson S.B. No. 789

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) and (b-2) 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.

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.