

By: Lambert, Rodriguez, Flynn, Harris,
et al.

H.B. No. 1694

A BILL TO BE ENTITLED

1 AN ACT
2 relating to limitations on food regulations at farms, farmers'
3 markets, and cottage food production operations.

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

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

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

12 (A) fish or other aquatic species;

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

15 (C) planting seed;

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

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

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

22 (G) produce.

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

1 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

8 (2) providing samples of food.

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