

By: Wilson

H.B. No. 2009

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain direct sales of food to consumers and a limitation on the fee amount for certain permits.

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

SECTION 1. Chapter 437, Health and Safety Code, is amended by adding Section 437.0065 to read as follows:

Sec. 437.0065. PERMITS FOR CERTAIN FARMERS AND FOOD PRODUCERS. (a) In this section, "farmers' market" has the meaning assigned by Section 437.020.

(b) This section applies only to a permit issued under this chapter to:

(1) a farmer for the sale of food directly to consumers at a farmers' market, a farm stand, or the farmer's farm; and

(2) an individual who prepares food for sale at a farmers' market.

(c) A permit issued under Section 437.003, 437.004, 437.0055, or 437.0201 to a person described by Subsection (b):

(1) must be valid for a term of not less than one year;

(2) may impose an annual fee in an amount not to exceed \$100 for the issuance or renewal; and

(3) must cover sales at all locations within the jurisdiction of the permitting authority.

SECTION 2. Section 437.020(b), Health and Safety Code, is amended to read as follows:

(b) Except as provided by this section and Sections 437.0065, 437.0201, 437.0202, and 437.0203:

(1) this chapter does not regulate the provision of samples of food or the sale of food to consumers at a farm or farmers' market; and

(2) a rule adopted under state law may not regulate the provision of samples of food or the sale of food to consumers at a farm or farmers' market.

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

(b) The department or a local health department may issue a temporary food establishment permit to a person who sells food at a farmers' market, subject to Section 437.0065 [~~without limiting the number of days for which the permit is effective to the number of days during which the farmers' market takes place~~].

SECTION 4. Section 437.0201(c), Health and Safety Code, is repealed.

SECTION 5. The change in law made by this Act applies only to an original or renewal permit issued on or after the effective date of this Act. A permit issued before the effective date of this Act is covered by the law in effect when the permit was issued, and the former law is continued in effect for that purpose.

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