

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

1 individual meals conducted by an off-site restaurant meal operator  
2 where food is prepared for delivery and is meant to be served and  
3 consumed at a location other than the premises of the off-site  
4 restaurant operator.

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

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

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

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

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

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

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

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

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

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

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