

By: Johnson

S.B. No. 789

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) and (b-2) to read as follows:

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

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

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

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

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

18            (2) providing samples of food.

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