

By: Parker

H.B. No. 1276

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the sale of certain food by food service
3 establishments.

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

5 SECTION 1. Chapter 437, Health and Safety Code, is amended
6 by adding Section 437.026 to read as follows:

7 Sec. 437.026. SALE OF CERTAIN FOOD BY FOOD SERVICE
8 ESTABLISHMENT. (a) Except as provided by Subsection (b), a food
9 service establishment that holds a permit under this chapter may
10 sell directly to an individual consumer food, other than prepared
11 food, that:

12 (1) is in its original condition or original packaging
13 as received by the establishment;

14 (2) is labeled, which may include a handwritten label,
15 with the name and source of the food and the date the food is sold;

16 (3) for meat or poultry, bears an official mark of
17 inspection from the department or the United States Department of
18 Agriculture;

19 (4) for a meat product or poultry product, is obtained
20 from a source that is appropriately inspected and bears an official
21 mark of inspection described by Subdivision (3);

22 (5) for a time and temperature control for safety food
23 as defined by Section 437.0196, does not exceed the shelf life
24 displayed on the food's packaging; and

1 (6) for food requiring refrigeration other than
2 produce, is:

3 (A) maintained at or below 41 degrees Fahrenheit
4 until the establishment sells or donates the food; and

5 (B) protected from contamination.

6 (b) A food service establishment described by Subsection
7 (a) may not sell directly to an individual consumer food that is:

8 (1) in a package exhibiting damage or that is not
9 labeled with the manufacturer's original labeling; or

10 (2) distressed because the food:

11 (A) has been subjected to fire, flooding,
12 excessive heat, smoke, radiation, or another environmental
13 contamination;

14 (B) is not held at the correct temperature for
15 the food type; or

16 (C) is stored for a prolonged period.

17 SECTION 2. As soon as practicable after the effective date
18 of this Act, the executive commissioner of the Health and Human
19 Services Commission shall adopt rules to implement Section 437.026,
20 Health and Safety Code, as added by this Act.

21 SECTION 3. Section 437.026, Health and Safety Code, as
22 added by this Act, applies only to the sale of food by a food service
23 establishment that occurs on or after the effective date of this
24 Act. The sale of food by a food service establishment that occurs
25 before the effective date of this Act is governed by the law in
26 effect on the date the sale occurred, and the former law is
27 continued in effect for that purpose.

1 SECTION 4. This Act takes effect September 1, 2021.