

BILL ANALYSIS

Senate Research Center
88R20417 KKR-D

H.B. 2878
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Local Government
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Food trucks have become increasingly popular across Texas. Unlike traditional restaurants that apply for health department permits from the city in which they are located, these mobile food service establishments must apply for a separate permit in each municipality in which they wish to operate. Applying for additional permits is a costly barrier to doing business for many of these vendors. For example, Tarrant County has 41 separate incorporated areas. By creating a system in which a universal license exists within the county, mobile food service establishments can plan their budgets accordingly and would no longer need to worry about compliance issues as they cross a road into a new city's jurisdiction.

H.B. 2878 seeks to shift the responsibility of inspecting mobile food service establishments solely to the county and allow counties to issue one permit that would be valid in any municipality within the county. The county must assume responsibility for inspections and licensing by their health department.

H.B. 2878 amends current law relating to the operation in certain counties of mobile food service establishments in more than one municipality within the county.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 437A.008, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle A, Title 6, Health and Safety Code, by adding Chapter 437A, as follows:

CHAPTER 437A. MOBILE FOOD SERVICE ESTABLISHMENTS OPERATING IN CERTAIN COUNTIES IN MORE THAN ONE MUNICIPALITY

Sec. 437A.001. DEFINITIONS. Defines "food," "mobile food unit," "roadside food vendor," and "mobile food service establishment."

Sec. 437A.002. APPLICABILITY. Provides that this chapter applies only to a certain county.

Sec. 437A.003. COUNTY PERMIT REQUIRED. (a) Prohibits a mobile food service establishment, notwithstanding any other law, from operating in a county to which this chapter applies unless the establishment obtains a permit from the county.

(b) Requires that a permit issued by a county under this chapter authorize a mobile food service establishment to operate in any municipality located in the county.

(c) Requires that a permit issued by a county under this chapter is considered a permit issued by a county under Chapter 437 (Regulation of Food Service

Establishments, Retail Food Stores, Mobile Food Units, and Roadside Food Vendors) for purposes of that chapter.

Sec. 437A.004. COUNTY RESPONSE TO PERMIT APPLICATION. Requires a county to approve or deny a mobile food service establishment's application for a permit to operate in the county not later than the third business day after the date the county receives the application and all information necessary for the county to consider the application.

Sec. 437A.005. REFUSAL TO ISSUE PERMIT. (a) Authorizes a county to refuse to issue a permit for a mobile food service establishment to operate in the county if the establishment is not in good standing in another jurisdiction or if the county has previously imposed on the establishment a citation or fine that raises public health and safety concerns.

(b) Requires the county, if a county refuses to issue a permit authorizing a mobile food service establishment to operate in the county, to provide the establishment with written notice regarding the basis for the county's refusal and advise the establishment of any remedial actions the establishment is authorized to take to become eligible for a permit.

Sec. 437A.006. INSPECTION BY COUNTY. (a) Provides that a mobile food service establishment is subject to periodic and unannounced inspections by the county that issues the permit to operate in the county under this chapter.

(b) Requires a mobile food service establishment to allow the county access to the establishment for an inspection.

(c) Authorizes the county, if an inspection by the county determines a mobile food service establishment committed a violation, to issue a fine to the establishment or suspend the establishment's permit.

Sec. 437A.007. PERMIT RENEWAL; NOTICE. Requires a mobile food service establishment annually to renew the establishment's permit under this chapter.

Sec. 437A.008. RULES. Authorizes the executive commissioner of the Health and Human Services Commission to adopt the rules necessary to implement this chapter.

SECTION 2. Effective date: September 1, 2023.