

BILL ANALYSIS

Senate Research Center

S.B. 577
By: Springer
Health & Human Services
5/23/2023
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Some have noted that Texas restaurants are suffering under the complicated regulatory patchwork of food safety regulations they must operate under. Despite existing regulations from the Texas Department of State Health Services and the Federal Food and Drug Administration, local health departments have often piled on their own redundant and inconsistent regulations. This regulatory patchwork by local health departments can create confusion and require restaurants to pay for duplicative permits that can become costly to small businesses. This bill will focus on food safety while streamlining specific restaurant regulations across the state.

S.B. 577 amends current law relating to regulation of food service establishments, retail food stores, mobile food units, roadside food vendors, temporary food service establishments, and food managers.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 437, Health and Safety Code, by amending Section 437.009 and adding Sections 437.0091, 437.01235, and 437.027, as follows:

Sec. 437.009. New heading: INSPECTIONS; INSPECTION FOLLOWING ADOPTION OF CERTAIN LOCAL ORDERS; PROHIBITED DISCIPLINARY ACTION. (a) Creates this subsection from existing text.

(b) Prohibits a municipality or public health district of which the municipality is a member from conducting an inspection to determine compliance with an ordinance the municipality adopts that differs from state law or Department of State Health Services (DSHS) rules or orders before the 60th day following the date the municipality or district submits a copy of the ordinance to DSHS for inclusion in the registry established under Section 437.0091.

(c) Prohibits DSHS, a county, a municipality, or a public health district, including an authorized agent or employee, that conducts an inspection as authorized under this section, notwithstanding any other law, from taking disciplinary action against or otherwise penalizing a food service establishment, retail food store, mobile food unit, roadside food vendor, or temporary food service establishment for failing to adhere to easily cleanable surface requirements for wall and ceiling surfaces, decorative items, or attachments in a consumer area, provided the surfaces, items, or attachments are kept clean. Provides that a consumer area, for purposes of this subsection, includes a dining room, outdoor dining area, or bar seating area in which customers consume food but does not include a table, bar top, or other similar surface where food is regularly prepared or consumed.

Sec. 437.0091. MUNICIPAL ORDINANCE REGISTRY. Requires DSHS to establish and maintain on DSHS's Internet website a registry for municipal ordinances submitted

under Section 437.009(b) and post in the registry each submitted ordinance not later than the 10th day after the date DSHS receives the ordinance.

Sec. 437.01235. FEES FOR PREMISES WITH ALCOHOLIC BEVERAGE PERMIT OR LICENSE. Prohibits a county or a municipality with a public health district that charges a fee for issuance or renewal of a permit under Section 437.012 (County and Public Health District Fees) or 437.0123 (County and Public Health District Fees in Certain Populous Counties) for a premises located in the county or municipality and permitted or licensed by the Texas Alcoholic Beverage Commission from also charging a fee under Section 11.38 (Local Fee Authorized) or 61.36 (Local Fee Authorized), Alcoholic Beverage Code, for issuance of an alcoholic beverage permit or license for the premises.

Sec. 437.027. PROHIBITED RESTRICTIONS ON PACKAGING, UTENSILS, AND STRAWS. Prohibits DSHS, a county, a municipality, or a public health district, notwithstanding any other law, from restricting the type or quantity of packaging, utensils, or straws a food service establishment, retail food store, mobile food unit, roadside food vendor, or temporary food service establishment provides to customers.

SECTION 2. Amends Subchapter G, Chapter 438, Health and Safety Code, by adding Section 438.1055, as follows:

Sec. 438.1055. PROHIBITED REQUIREMENT OF LOCAL FOOD MANAGER CARD OR LOCAL FEE. Prohibits a local health jurisdiction from requiring a food manager who holds a food manager certificate issued under Subchapter G (Certification of Food Managers) to hold a local food manager card or charge a fee for issuance of the certificate under this subchapter.

SECTION 3. (a) Requires DSHS, as soon as practicable after the effective date of this Act, to establish the registry required under Section 437.0091, Health and Safety Code, as added by this Act.

(b) Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2023.