

BILL ANALYSIS

S.B. 577
By: Springer
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In Texas, restaurants must comply with a complicated set of food safety regulations. These include standards from the Department of State Health Services that are usually adopted from the FDA Food Code. At the local level, local health departments operated by municipalities and counties also have the authority to enforce even stricter rules. Regulations across multiple agencies can cause confusion and create duplicative permits that become very costly for restaurants, many of which are small businesses. S.B. 577 seeks to streamline restaurant regulations across Texas while maintaining the focus on food and safety by prohibiting municipalities and public health departments from enforcing rules that differ from statewide standards until the local rules have been posted in a public database for at least 60 days. It would also establish that ceilings, bar fronts, wall art, and similar surfaces do not have to meet the same cleanable surface standards that apply to cooking, preparation, and eating surfaces. The bill prohibits municipalities and counties from assessing a local restaurant fee and a local alcohol fee from the same business beyond the first time the business's alcohol permit or license is issued. The bill provides a prohibition against the restriction of the type or quantity of packaging, utensils, or straws a business provides to customers. Additionally, local governments would be prohibited from charging food managers a permit fee for a person who has already completed a state-approved certification, mirroring existing state law for food handlers.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 577 amends the Health and Safety Code to prohibit 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 its online municipal ordinance registry established under the bill's provisions. The bill prohibits DSHS, a county, a municipality, or a public health district, including an authorized agent or employee, that conducts an authorized inspection from taking disciplinary action against or otherwise penalizing a food service establishment, a retail food store, a mobile food unit, a roadside food vendor, or a 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. For purposes of these

provisions, a consumer area 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.

S.B. 577 requires DSHS to establish and maintain on DSHS's website a registry for municipal ordinances submitted under the bill's provisions and post in the registry each submitted ordinance not later than the 10th day after the date DSHS receives the ordinance. The bill prohibits a county or a municipality with a public health district that charges a fee for issuance or renewal of a food establishment-related permit for a premises located in the county or municipality and permitted or licensed by the Texas Alcoholic Beverage Commission from also charging a local fee under the Alcoholic Beverage Code for an alcoholic beverage permit or license for the premises. The bill prohibits DSHS, a county, a municipality, or a public health district 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.

S.B. 577 prohibits a local health jurisdiction from requiring a food manager who holds a food manager certificate issued by the state to hold a local food manager card or charging a fee for the issuance of a food manager certificate.

S.B. 577 applies only to an inspection conducted or order issued on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.