By:  Hughes S.B. No. 587

(In the Senate - Filed January 24, 2023; February 17, 2023, read first time and referred to Committee on Health & Human Services; April 11, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; April 11, 2023, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Kolkhorst         X

Perry             X

Blanco            X

Hall              X

Hancock           X

Hughes            X

LaMantia          X

Miles             X

Sparks            X

COMMITTEE SUBSTITUTE FOR S.B. No. 587 By:  Perry

A BILL TO BE ENTITLED

AN ACT

relating to a limitation on commercial kitchen and food permit requirements for food fundraisers held by a religious institution or nonprofit organization.

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

SECTION 1.  Section 437.007, Health and Safety Code, is amended to read as follows:

Sec. 437.007.  NONPROFIT ORGANIZATIONS EXEMPT. The department or a municipality, [~~A~~] county, or public health district may not require a nonprofit organization, including a religious institution as defined by Section 438.901, to obtain a permit.

SECTION 2.  Chapter 438, Health and Safety Code, is amended by adding Subchapter Z to read as follows:

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

Sec. 438.901.  LIMITATION ON COMMERCIAL KITCHEN REQUIREMENTS FOR FOOD FUNDRAISING ACTIVITY OF RELIGIOUS INSTITUTION OR NONPROFIT ORGANIZATION. (a) In this section:

(1)  "Nonprofit organization" means an organization exempt from federal income tax under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code.

(2)  "Religious institution" means a religious institution that is exempt from federal income tax under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code.

(b)  Notwithstanding any other law, this state or a political subdivision of this state may not require a religious institution or nonprofit organization to prepare in a commercial kitchen or in a facility that is equipped with commercial kitchen equipment food the institution or organization sells at an event held to raise money for the institution or organization.

(c)  This section may not be construed to affect any other requirement for food preparation that is applicable to a religious institution or nonprofit organization.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

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