

By: Hughes

S.B. No. 587

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to a limitation on commercial kitchen and food permit  
3 requirements for food fundraisers held by a religious institution  
4 or nonprofit organization.

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

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

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

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

14 SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

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

18 (1) "Nonprofit organization" means an organization  
19 exempt from federal income tax under Section 501(a), Internal  
20 Revenue Code of 1986, as an organization described by Section  
21 501(c)(3) of that code.

22 (2) "Religious institution" means a religious  
23 institution that is exempt from federal income tax under Section  
24 501(a), Internal Revenue Code of 1986, as an organization described

1 by Section 501(c)(3) of that code.

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

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

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