

BILL ANALYSIS

Senate Research Center

H.B. 1449
By: Capriglione (Parker)
Local Government
5/21/2025
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 88th Texas Legislature passed H.B. 2878 to allow certain counties to pilot a new program under which the county issues permits for mobile food service establishments that operate in multiple municipalities within the county. The bill author has informed the committee that previously such an establishment had to obtain a separate permit from each municipality in which they operated and that in a time of inflation, when margins are stretched thin, spending extra time and money on additional permits is a costly barrier to doing business for many of these establishments. The bill author has further informed the committee that the change in permitting has been well received by the operators of these establishments but that there are improvements that can be made to the program. H.B. 1449 seeks to expand the program to additional counties and to fix issues that have arisen with the program in order to simplify the permitting process, prevent excessive fees, and allow mobile food service establishments to operate without unnecessary government interference.

H.B. 1449 amends current law relating to permits for mobile food service establishments operating in certain counties.

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 the heading to Chapter 437A, Health and Safety Code, to read as follows:

CHAPTER 437A. MOBILE FOOD SERVICE ESTABLISHMENTS OPERATING IN COUNTIES WITH POPULATION OF MORE THAN ONE MILLION

SECTION 2. Amends Section 437A.002, Health and Safety Code, as follows:

Sec. 437A.002. APPLICABILITY. Provides that this chapter applies only to a county with a population of more than one million, rather than more than 2.1 million. Deletes existing text providing that this chapter applies only to a county in which is located partly or wholly an airport operating under Subchapter D (Joint Operations), Chapter 22 (County and Municipal Airports), Transportation Code, and an airport owned by the principal municipality in the county that does not offer commercial air service. Makes nonsubstantive changes.

SECTION 3. Amends the heading to Section 437A.006, Health and Safety Code, to read as follows:

Sec. 437A.006. INSPECTION.

SECTION 4. Amends Section 437A.006, Health and Safety Code, by adding Subsection (d) to authorize a county to which this chapter applies, by written agreement with a municipality, to collaborate with a municipality located wholly or partly in the county the inspection of a mobile food service establishment operating in the municipality.

SECTION 5. Amends Chapter 437A, Health and Safety Code, by adding Sections 437A.0075 and 437A.0077, as follows:

Sec. 437A.0075. PROHIBITED MUNICIPAL PERMIT REQUIREMENTS. Prohibits a municipality located wholly or partly in a county to which this chapter applies from requiring a permit or similar authorization, other than the permit required under Section 437A.003 (County Permit Required), for a mobile food service establishment to operate in the municipality.

Sec. 437A.0077. FEE CALCULATION. Requires a county imposing a fee for a permit issued or renewed under this chapter to set the fee in an amount not to exceed the amount necessary to recover the annual expenditures for reviewing and issuing or otherwise acting on permits, amending and renewing permits, inspecting mobile food service establishments, including a municipality's expenses for inspections under Section 437A.006 (Inspection by County), and otherwise administering this chapter and rules adopted under this chapter.

SECTION 6. Repealer: Section 437.0073 (Medallion for Mobile Food Units in Certain Populous Municipalities), Health and Safety Code.

SECTION 7. Provides that the changes in law made by this Act apply to an ordinance, rule, regulation, policy, or procedure adopted before, on, or after the effective date of this Act.

SECTION 8. Effective date: September 1, 2025.