

1-1 By: Landgraf, et al. (Senate Sponsor - Kolthorst) H.B. No. 2844  
 1-2 (In the Senate - Received from the House May 19, 2025;  
 1-3 May 19, 2025, read first time and referred to Committee on Health &  
 1-4 Human Services; May 23, 2025, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
 1-6 May 23, 2025, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 2844 By: Kolthorst

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the regulation of food service establishments,  
 1-22 including retail food stores and mobile food vendors; requiring an  
 1-23 occupational license; imposing fees; authorizing an administrative  
 1-24 penalty.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Chapter 437, Health and Safety Code, is amended  
 1-27 by adding Section 437.0063 to read as follows:

1-28 Sec. 437.0063. SMALL-SCALE FOOD BUSINESS PERMIT

1-29 EXEMPTIONS. (a) In this section:

1-30 (1) "Food producer" has the meaning assigned by  
 1-31 Section 437.020.

1-32 (2) "Small-scale food business" means a legal entity  
 1-33 established by a farmer or food producer with less than \$1.5 million  
 1-34 in annual gross revenue. The term includes a sole proprietorship,  
 1-35 organization, association, corporation, partnership, joint  
 1-36 venture, limited partnership, limited liability partnership, or  
 1-37 limited liability company.

1-38 (b) A county, municipality, or public health district may  
 1-39 not require a small-scale food business or an employee of a  
 1-40 small-scale food business to obtain a permit or pay a permitting fee  
 1-41 to operate a food service establishment, temporary food service  
 1-42 establishment, retail food establishment, temporary retail food  
 1-43 establishment, or retail food store at a location for which the  
 1-44 business:

1-45 (1) holds a permit issued by the department for that  
 1-46 purpose; or

1-47 (2) is licensed as a food manufacturer under  
 1-48 Subchapter J, Chapter 431.

1-49 (c) This section preempts a county's, municipality's, or  
 1-50 public health district's authority to regulate a small-scale food  
 1-51 business in a manner that conflicts with this section.

1-52 SECTION 2. Subtitle A, Title 6, Health and Safety Code, is  
 1-53 amended by adding Chapter 437B to read as follows:

1-54 CHAPTER 437B. MOBILE FOOD VENDORS

1-55 SUBCHAPTER A. GENERAL PROVISIONS

1-56 Sec. 437B.001. DEFINITIONS. In this chapter:

1-57 (1) "Applicant" means a person who applies to the  
 1-58 department to receive a license to operate as a mobile food vendor.

1-59 (2) "Food vending vehicle" means any vehicle that  
 1-60 operates as a food service establishment and is designed to be

2-1 readily movable.  
 2-2 (3) "License holder" means a person who holds a mobile  
 2-3 food vendor license issued under this chapter.  
 2-4 (4) "Local authority" means a municipality, county,  
 2-5 public health authority, special purpose district or authority, or  
 2-6 any other political subdivision of this state.  
 2-7 (5) "Mobile food vendor" means any person who  
 2-8 dispenses food or beverages from a food vending vehicle for  
 2-9 immediate service or consumption.  
 2-10 (6) "Prepackaged food" means any commercially labeled  
 2-11 and processed food that is prepackaged to prevent direct human  
 2-12 contact with the food product on distribution from the  
 2-13 manufacturer, food facility, or other approved source.  
 2-14 Sec. 437B.002. CONSTRUCTION OF CHAPTER. This chapter may  
 2-15 not be construed to require a local authority to enter into a  
 2-16 collaborative agreement with the department to conduct health  
 2-17 inspections, adopt a program regulating mobile food vendors, or  
 2-18 modify a local authority's existing mobile food vendor regulation  
 2-19 program, provided the local authority's regulations do not conflict  
 2-20 with this chapter.  
 2-21 Sec. 437B.003. LOCAL PREEMPTION. This chapter preempts a  
 2-22 local authority's power to prohibit or regulate mobile food vendors  
 2-23 in a manner that conflicts with this chapter.  
 2-24 Sec. 437B.004. RULES. The executive commissioner may adopt  
 2-25 rules to implement this chapter. The rules must be narrowly  
 2-26 tailored to address a demonstrable health or safety risk and may  
 2-27 not:  
 2-28 (1) limit the number of mobile food vendor licenses  
 2-29 the department may issue;  
 2-30 (2) address the hours of operation for mobile food  
 2-31 vendors;  
 2-32 (3) restrict a mobile food vendor's propane capacity  
 2-33 below the capacity state law allows for commercial vehicles; or  
 2-34 (4) require a mobile food vendor to:  
 2-35 (A) operate outside a specific perimeter of a  
 2-36 commercial establishment or restaurant;  
 2-37 (B) enter into any agreement with a commercial  
 2-38 establishment or restaurant, except as necessary to properly  
 2-39 dispose of grease and other cooking waste;  
 2-40 (C) have an operational handwashing sink in the  
 2-41 vehicle of a vendor who sells only prepackaged food;  
 2-42 (D) associate with a commissary if the vehicle  
 2-43 carries the equipment necessary to comply with state law and  
 2-44 properly disposes of grease and other cooking waste;  
 2-45 (E) provide the vendor's fingerprints as a  
 2-46 condition of holding a mobile food vendor license;  
 2-47 (F) install a global positioning system tracking  
 2-48 device on the vehicle;  
 2-49 (G) keep the vehicle in constant motion except  
 2-50 when serving customers;  
 2-51 (H) submit to an additional fire inspection a  
 2-52 vehicle the vendor demonstrates has passed a state or local fire  
 2-53 inspection within the preceding 12 months; or  
 2-54 (I) submit to health inspections other than an  
 2-55 inspection the department, or a local authority under a  
 2-56 collaborative agreement, conducts unless the department is  
 2-57 investigating a reported foodborne illness.  
 2-58 SUBCHAPTER B. LICENSE  
 2-59 Sec. 437B.051. LICENSE REQUIRED. (a) A person may not  
 2-60 operate as a mobile food vendor in this state unless the person  
 2-61 holds a mobile food vendor's license issued by the department. A  
 2-62 separate license is required for each food vending vehicle a mobile  
 2-63 food vendor operates.  
 2-64 (b) A local authority may not prohibit the operation in its  
 2-65 jurisdiction of a mobile food vendor who holds a mobile food vendor  
 2-66 license and complies with all other state and local laws not in  
 2-67 conflict with this chapter.  
 2-68 Sec. 437B.052. FORM OF APPLICATION. The department shall  
 2-69 prescribe a written application for a mobile food vendor license.

3-1 The department shall make the application available to applicants  
3-2 in person and on the department's Internet website.  
3-3 Sec. 437B.053. APPLICATION REQUIREMENTS. (a) An applicant  
3-4 for a mobile food vendor license must submit an application to the  
3-5 department on the form the department prescribes. The application  
3-6 must contain:  
3-7 (1) the applicant's name, address, and telephone  
3-8 number;  
3-9 (2) the name, address, and telephone number of any  
3-10 associated entity or organization the applicant is representing and  
3-11 copies of documents verifying that relationship;  
3-12 (3) the applicant's primary residences and business  
3-13 addresses during the 12 months preceding the date of the  
3-14 application;  
3-15 (4) the food or beverages the applicant proposes to  
3-16 sell to enable the department to establish the applicant's food  
3-17 type classification;  
3-18 (5) a statement of whether the applicant has  
3-19 previously been denied a mobile food vendor license or had a mobile  
3-20 food vendor license suspended or revoked in another state or local  
3-21 jurisdiction and the reasons for any denial, suspension, or  
3-22 revocation; and  
3-23 (6) for each motorized food vending vehicle the  
3-24 applicant is applying for a license to operate:  
3-25 (A) the vehicle license number, description,  
3-26 identification number, and registration;  
3-27 (B) proof of vehicle insurance; and  
3-28 (C) a copy or proof of any additional commercial  
3-29 vehicle licenses or permits required by this state.  
3-30 (b) An applicant must attest to the information submitted  
3-31 under Subsection (a).  
3-32 (c) The department may require an applicant to submit  
3-33 additional information.  
3-34 (d) An applicant may submit one application for all food  
3-35 vending vehicles to be licensed under this subchapter.  
3-36 (e) An applicant's failure to submit a complete application  
3-37 may result in denial of a license.  
3-38 (f) A person may not intentionally provide false  
3-39 information or intentionally omit requested information on an  
3-40 application.  
3-41 Sec. 437B.054. HEALTH INSPECTION. (a) Not later than the  
3-42 14th day after the date the department receives a complete mobile  
3-43 food vendor license application, the department or a governmental  
3-44 entity acting under a collaborative agreement as provided by  
3-45 Subchapter D shall conduct a health inspection of each of the  
3-46 applicant's food vending vehicles listed on the application. The  
3-47 department may not issue a license to an applicant whose vehicle  
3-48 does not pass a health inspection.  
3-49 (b) The department shall ensure that:  
3-50 (1) an applicant's food vending vehicle is safe for  
3-51 preparing, handling, and selling food; and  
3-52 (2) an applicant is in compliance with all applicable  
3-53 laws and the rules adopted under those laws.  
3-54 Sec. 437B.055. ISSUANCE OF LICENSE. (a) The department  
3-55 shall issue a mobile food vendor license to an applicant who submits  
3-56 a complete application, pays any required fee, and meets the  
3-57 department's licensing requirements and whose food vending vehicle  
3-58 passes a health inspection.  
3-59 (b) A license issued under this section expires on the first  
3-60 anniversary of the date of issuance.  
3-61 Sec. 437B.056. LICENSE RENEWAL. (a) Before expiration of a  
3-62 license, the department shall send notice of the expiration to the  
3-63 mobile food vendor. The vendor shall submit a renewal application  
3-64 before the date the license expires.  
3-65 (b) A mobile food vendor may continue to operate while the  
3-66 vendor's application for renewal is pending with the department.  
3-67 Sec. 437B.057. LICENSE NOT TRANSFERABLE; SUBSTITUTION OF  
3-68 VEHICLE. (a) A mobile food vendor license issued under this  
3-69 subchapter is not transferable and does not authorize the

4-1 activities of any person other than the person who holds the  
 4-2 license.

4-3 (b) The sale of one food vending vehicle identified in a  
 4-4 mobile food vendor license application, when replaced by another  
 4-5 food vending vehicle, does not invalidate the license or require  
 4-6 issuance of a new license.

4-7 (c) A license holder who replaces a food vending vehicle  
 4-8 with another vehicle must provide to the department for the  
 4-9 replacement vehicle the information required by Section 437B.053  
 4-10 and have the replacement vehicle inspected as required by Section  
 4-11 437B.054. The health inspection shall be conducted as soon as  
 4-12 practicable but not later than the 14th calendar day after the date  
 4-13 the department receives the information required under this  
 4-14 section.

4-15 (d) The recipient of transferred mobile food vendor  
 4-16 business assets must apply for and obtain a new mobile food vendor  
 4-17 license before operating as a mobile food vendor.

4-18 Sec. 437B.058. FEES. (a) The department may charge a fee  
 4-19 for each mobile food vendor license application submitted and each  
 4-20 license issued or renewed under this chapter. The department may  
 4-21 establish a schedule of fees based on the license classifications  
 4-22 described by Section 437B.151. The department may set the fees in  
 4-23 amounts necessary to cover the costs of administering this chapter.

4-24 (b) The department may charge a fee for a health inspection  
 4-25 of an applicant's food vending vehicle required under Section  
 4-26 437B.054. The department shall set the fee in an amount that covers  
 4-27 the cost of conducting a health inspection under that section.

4-28 (c) At the time the department issues or renews a mobile  
 4-29 food vendor license, the department shall charge a fee for a health  
 4-30 inspection required under Subchapter D. The department shall set  
 4-31 the fee in an amount based on the average cost of conducting a  
 4-32 health inspection multiplied by the number of annual health  
 4-33 inspections required during the next year for the mobile food  
 4-34 vendor classification type as described by Section 437B.151.

4-35 Sec. 437B.059. MOBILE FOOD VENDOR GUIDE. (a) The  
 4-36 department shall develop a guide on the mobile food vendor  
 4-37 licensing procedures. The guide must include:

4-38 (1) instructions for obtaining, maintaining, and  
 4-39 renewing a mobile food vendor license; and

4-40 (2) a description of the department's standards for  
 4-41 inspecting a food vending vehicle.

4-42 (b) The department shall make the guide available at the  
 4-43 department's office and on the department's Internet website.

4-44 Sec. 437B.060. DEPARTMENT DATABASE. (a) The department  
 4-45 shall establish and maintain a statewide database for use by the  
 4-46 department and local authorities that includes the:

4-47 (1) names of mobile food vendors licensed under this  
 4-48 chapter;

4-49 (2) results of health inspections of mobile food  
 4-50 vendors' food vending vehicles, including inspection reports;

4-51 (3) public complaints made against mobile food vendors  
 4-52 resulting in disciplinary or corrective action; and

4-53 (4) itineraries of mobile food vendors submitted under  
 4-54 Subsection (b).

4-55 (b) A mobile food vendor may periodically submit to the  
 4-56 department an itinerary of the locations of the mobile food  
 4-57 vendor's food vending vehicles.

#### 4-58 SUBCHAPTER C. MOBILE FOOD VENDOR OPERATIONS

4-59 Sec. 437B.101. COMPLIANCE WITH STATE AND LOCAL LAW. A  
 4-60 mobile food vendor shall comply with all state and local laws in the  
 4-61 jurisdiction in which the mobile food vendor operates, including  
 4-62 all fire codes, location restrictions, and zoning codes.

4-63 Sec. 437B.102. FOOD VENDING VEHICLE DRIVER REQUIREMENTS. A  
 4-64 person who drives a motorized food vending vehicle must hold a  
 4-65 current commercial driver's license if a commercial driver's  
 4-66 license is required for the vehicle's class under Chapter 522,  
 4-67 Transportation Code.

4-68 Sec. 437B.103. OPERATIONAL STANDARDS. A mobile food vendor  
 4-69 shall:

5-1 (1) submit to and pass any required health inspection  
5-2 conducted under Subchapter D; and

5-3 (2) display the mobile food vendor license and health  
5-4 inspection certificate in a conspicuous location for public view.

5-5 Sec. 437B.104. FOOD SAFETY. A mobile food vendor shall  
5-6 comply with all laws and rules regarding food safety, including any  
5-7 food safety and food manager certifications required under Chapter  
5-8 438.

5-9 SUBCHAPTER D. HEALTH INSPECTIONS

5-10 Sec. 437B.151. MOBILE FOOD VENDOR CLASSIFICATIONS. (a)  
5-11 The executive commissioner by rule shall establish classifications  
5-12 of mobile food vendors for purposes of conducting health  
5-13 inspections as follows:

5-14 (1) mobile food type I vendor for a vendor who  
5-15 dispenses prepackaged foods, does not dispense time or temperature  
5-16 control for safety beverages, or poses a low risk of harm to the  
5-17 public;

5-18 (2) mobile food type II vendor for a vendor who  
5-19 dispenses food that requires limited handling and preparation; and

5-20 (3) mobile food type III vendor for a vendor who  
5-21 prepares, cooks, holds, and serves food from a food vending  
5-22 vehicle.

5-23 (b) The rules adopted under Subsection (a) shall specify the  
5-24 categories of foods or beverages that mobile food vendors in each  
5-25 classification may serve.

5-26 Sec. 437B.152. CHANGING CLASSIFICATIONS. A mobile food  
5-27 vendor who seeks to serve food or beverages that may require the  
5-28 vendor's reclassification shall notify the department of the nature  
5-29 of the food or beverages to be sold. The department, or a local  
5-30 authority in a collaborative agreement with the department under  
5-31 Section 437B.153, may conduct a health inspection and reclassify  
5-32 the vendor in accordance with the rules adopted under Section  
5-33 437B.151.

5-34 Sec. 437B.153. INSPECTIONS; COLLABORATIVE AGREEMENT WITH  
5-35 LOCAL AUTHORITY. (a) To protect public health and safety, the  
5-36 department shall ensure ongoing, randomized inspections are  
5-37 conducted on each mobile food vendor based on the mobile food  
5-38 vendor's classification and previous health inspection results.

5-39 (b) On request by a local authority, the department may  
5-40 enter into a collaborative agreement with the local authority for  
5-41 conducting health inspections. The department shall reimburse the  
5-42 local authority acting under a collaborative agreement for the cost  
5-43 of conducting a health inspection using money collected for health  
5-44 inspection fees under Section 437B.058(c).

5-45 Sec. 437B.154. NOTICE OF LOCATION FOR INSPECTIONS. A  
5-46 mobile food vendor shall make available to the department a list of  
5-47 all locations at which the vendor intends to operate, to the best of  
5-48 the vendor's knowledge. A vendor may provide the list of locations  
5-49 through the vendor's social media or on the vendor's Internet  
5-50 website. If the vendor does not provide the list of operating  
5-51 locations on social media or the vendor's Internet website, the  
5-52 vendor shall submit to the department in the form and manner the  
5-53 department prescribes a list of the locations at which the vendor  
5-54 intends to operate, to the best of the vendor's knowledge.

5-55 Sec. 437B.155. REIMBURSEMENT OF INSPECTION FEE. On request  
5-56 of a mobile food vendor, the department shall reimburse the vendor  
5-57 the portion of the fee charged for each health inspection required  
5-58 under this subchapter that was not conducted by the department or  
5-59 local authority under a collaborative agreement during the time the  
5-60 vendor's license was valid. The department shall reimburse the  
5-61 vendor not later than the 30th day after the date the department  
5-62 receives the vendor's request.

5-63 SUBCHAPTER E. INVESTIGATION; ENFORCEMENT

5-64 Sec. 437B.201. INVESTIGATION. (a) The department or a  
5-65 local authority may investigate a mobile food vendor on reasonable  
5-66 suspicion the vendor is violating the law or on receipt of a health  
5-67 or safety complaint. The department must record a complaint in the  
5-68 state's mobile food vendor database. The local authority shall  
5-69 report suspected violations of state law to the department and may

6-1 recommend the department suspend or revoke a mobile food vendor  
6-2 license.  
6-3 (b) The mobile food vendor shall cooperate with the  
6-4 department or local authority during an investigation. Failure to  
6-5 cooperate with the department or local authority may result in  
6-6 suspension or revocation of a license.  
6-7 (c) This chapter may not be construed to impede the  
6-8 department or local authority when conducting an investigation of a  
6-9 reported foodborne illness.  
6-10 Sec. 437B.202. LICENSE DENIAL, SUSPENSION, OR REVOCATION.  
6-11 The department may deny, suspend, or revoke a mobile food vendor  
6-12 license only if:  
6-13 (1) the applicant or license holder:  
6-14 (A) violates this chapter, a rule adopted under  
6-15 this chapter, or a department order;  
6-16 (B) obtains a license by means of fraud,  
6-17 misrepresentation, or concealment of a material fact;  
6-18 (C) commits fraud or makes a misrepresentation or  
6-19 false statement in connection with the sale of food or beverages  
6-20 while operating as a mobile food vendor; or  
6-21 (D) is cited three or more times during a  
6-22 12-month period for a violation of this chapter or rules adopted  
6-23 under this chapter; or  
6-24 (2) the department determines that material facts or  
6-25 conditions related to the applicant or application provide  
6-26 reasonable justification for the denial, suspension, or revocation  
6-27 of the license.  
6-28 Sec. 437B.203. NOTICE AND HEARING. (a) The department  
6-29 shall provide written notice to an applicant or license holder that  
6-30 the applicant's mobile food vendor application has been denied or  
6-31 that the license may be suspended or revoked. Not later than 14  
6-32 calendar days after the date an applicant or license holder  
6-33 receives notice from the department of a denial, suspension, or  
6-34 revocation of a license, the applicant or license holder may  
6-35 request a hearing in the form and manner the department prescribes.  
6-36 (b) If the applicant for or holder of a mobile food vendor  
6-37 license requests a hearing as prescribed by the department, the  
6-38 department shall promptly refer the matter to the State Office of  
6-39 Administrative Hearings for a contested case hearing.  
6-40 (c) Following a hearing or on conclusion of the involvement  
6-41 of the State Office of Administrative Hearings in the matter under  
6-42 this section, the department shall promptly issue an order that  
6-43 includes findings of fact and conclusions of law.  
6-44 Sec. 437B.204. EMERGENCY SUSPENSION. (a) The department  
6-45 may issue an emergency order to suspend a mobile food vendor license  
6-46 if the department has reasonable cause to believe a license  
6-47 holder's operations pose an imminent threat to the public's health  
6-48 and safety. An emergency suspension order is effective immediately  
6-49 without a hearing on notice to the license holder and must state the  
6-50 length of the suspension.  
6-51 (b) Not later than the 14th day after the date a mobile food  
6-52 vendor license holder receives notice from the department of an  
6-53 emergency suspension of a license under this section, the license  
6-54 holder may request a preliminary hearing on the emergency order in a  
6-55 form and manner the department prescribes.  
6-56 (c) On receipt of a license holder's request for hearing  
6-57 under Subsection (b), the department shall promptly refer the  
6-58 matter to the State Office of Administrative Hearings for a  
6-59 preliminary hearing before an administrative law judge.  
6-60 (d) An administrative law judge for the State Office of  
6-61 Administrative Hearings shall:  
6-62 (1) conduct a preliminary hearing to affirm, modify,  
6-63 or set aside the emergency suspension order issued by the  
6-64 department under Subsection (b) not later than the 17th day after  
6-65 the date the office receives the hearing request;  
6-66 (2) make findings of fact and conclusions of law; and  
6-67 (3) issue a written proposal for decision on the  
6-68 department's reasonable cause to believe a continuing and imminent  
6-69 threat to the public's health and safety exists.

7-1 (e) A final hearing on the matter shall be held not later  
7-2 than the 61st day after the date of the emergency suspension.

7-3 Sec. 437B.2045. RIGHT TO APPEAL. The department's  
7-4 suspension or revocation of a mobile food vendor license under this  
7-5 chapter and the appeal from that action are governed by the  
7-6 procedures for a contested case hearing under Chapter 2001,  
7-7 Government Code.

7-8 Sec. 437B.205. ADMINISTRATIVE PENALTY. A license holder  
7-9 who continues to operate after the department suspends or revokes  
7-10 the license holder's mobile food vendor license is subject to an  
7-11 administrative penalty in an amount the department determines.

7-12 SECTION 3. Section 437.0055(a), Health and Safety Code, is  
7-13 amended to read as follows:

7-14 (a) A person may not operate a food service establishment,  
7-15 retail food store, [~~mobile food unit,~~] or temporary food service  
7-16 establishment located in an area in which a county or public health  
7-17 district does not require a permit or conduct inspections under  
7-18 this chapter unless the person has a permit issued by the  
7-19 department.

7-20 SECTION 4. Section 437A.003, Health and Safety Code, is  
7-21 repealed.

7-22 SECTION 5. (a) Chapter 437B, Health and Safety Code, as  
7-23 added by this Act, applies to an ordinance, rule, regulation,  
7-24 policy, or procedure adopted before, on, or after the effective  
7-25 date of this Act.

7-26 (b) Not later than May 1, 2026, the executive commissioner  
7-27 of the Health and Human Services Commission shall adopt the rules  
7-28 required by Chapter 437B, Health and Safety Code, as added by this  
7-29 Act.

7-30 (c) A mobile food vendor is not required to hold a license  
7-31 under Chapter 437B, Health and Safety Code, as added by this Act,  
7-32 before July 1, 2026.

7-33 SECTION 6. (a) Except as provided by Subsection (b) of this  
7-34 section, this Act takes effect July 1, 2026.

7-35 (b) Section 437B.004, Health and Safety Code, as added by  
7-36 this Act, takes effect September 1, 2025.

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