

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

April 23, 2025

TO: Honorable Ken King, Chair, House Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2844 by Landgraf (Relating to the regulation of mobile food vendors; requiring an occupational license; imposing fees; authorizing an administrative penalty.), As Introduced

Estimated Two-year Net Impact to General Revenue Related Funds for HB2844, As Introduced: an impact of \$0 through the biennium ending August 31, 2027.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2026	\$0
2027	\$0
2028	\$0
2029	\$0
2030	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from Food & Drug Fee Acct 341</i>	<i>Probable Savings/(Cost) from Interagency Contracts 777</i>	<i>Probable Revenue Gain/(Loss) from Food & Drug Fee Acct 341</i>	<i>Change in Number of State Employees from FY 2025</i>
2026	(\$3,122,120)	\$0	\$3,840,000	30.0
2027	(\$3,636,645)	(\$234,471)	\$3,840,000	30.0
2028	(\$3,642,805)	(\$229,471)	\$3,840,000	30.0
2029	(\$3,647,929)	(\$229,471)	\$3,840,000	30.0
2030	(\$3,653,165)	(\$229,471)	\$3,840,000	30.0

Fiscal Analysis

The bill would require the Department of State Health Services (DSHS) to issue licenses for a person to operate as a mobile food vendor in the state. A separate mobile food vending license would be required for each food vending vehicle operated by a mobile food vendor.

The bill would require DSHS to prescribe a written application for a mobile food vending license which would be made available to the applicant in person and on the agency's website.

The bill would require DSHS, or a governmental entity acting under a collaborative agreement, to conduct a

health inspection of each of the applicant's food vending vehicles listed on the application ensuring that an applicant's food vending vehicle is safe for preparing, handling, and selling food; and the applicant is in compliance with all applicable laws and rules.

The bill would authorize DSHS to issue a mobile food vending license to an applicant who submits a complete application, pays any required fees, meets licensing requirements, and whose food vendor vehicle passes a health inspection.

The bill would authorize DSHS to charge a fee for each license application submitted and each license issued or renewed in amounts that are reasonable but not more than \$150. DSHS would be authorized to charge a fee for a health inspection that covers the cost of conducting a health inspection.

The bill would require DSHS to develop a guide on mobile food vending licensing procedures and establish and maintain a statewide database for the use by DSHS and local authorities.

The bill would require mobile vendors to comply with all state and local laws in the jurisdiction in which the mobile food vendor operates, outlines where a mobile food vendor may operate, and describes operational standards and food safety certification requirements.

The bill would establish classifications and criteria of mobile food vendors for purposes of conducting health inspections and allows for collaborative agreements with local authorities for conducting health inspections.

The bill provides how local authorities may and may not regulate license holders.

The bill would allow DSHS or a local authority to conduct investigations of a mobile food vendor on suspicion the mobile food vendor is violating the law or on receipt of a health or safety complaint.

The bill would authorize DSHS to deny a license if the applicant or license holder fails to meet certain criteria.

The bill would require DSHS to hold a hearing if requested by an applicant or license holder whose application has been denied, suspended, or revoked. The bill explains procedures regarding the right to appeal.

The bill allows for an administrative penalty determined by DSHS against a license holder who continues to operate after DSHS suspends or revokes the license holder's license.

The bill would make conforming changes by removing mobile food units from certain existing laws.

The bill would require the Health and Human Services Commission (HHSC) to adopt rules no later than May 1, 2026.

The bill would not require a mobile food vendor to hold a license under the bill until July 1, 2026.

Except for rulemaking activities, the bill would take effect on July 1, 2026.

Methodology

According to DSHS and the Comptroller of Public Accounts, an additional \$3,840,000 in each fiscal year is estimated to be generated from new licenses and inspections permitted by the bill. This amount is based on an estimated 12,000 mobile food vendors at \$150 per license (\$1,800,000) and 12,000 health inspections at \$170 per inspection (\$2,040,000). It is assumed by both DSHS and the CPA that revenue would be deposited into General Revenue-Dedicated Account 341, Food and Drug Retail Fee.

According to DSHS, the agency estimates a cost of \$3,122,120 from General Revenue-Dedicated Account 341 in fiscal year 2026 and \$3,636,645 from General Revenue-Dedicated Account 341 in fiscal year 2027 to implement the provisions of the bill.

DSHS anticipates needing an additional 28.0 full-time equivalent positions (FTEs) in fiscal year 2026 and fiscal year 2027. DSHS indicates the need for Sanitarian I positions (16.0 FTE) to conduct retail food inspections in

eight regions; License and Permit Specialist III positions (5.0 FTEs) to process mobile food vendor applications and provide guidance for applicants throughout the state; Sanitarian III positions (2.0 FTEs) to provide guidance to operators and inspectors, prepare enforcement actions related to violative mobile food vendors, and testify at hearings; a Contract Specialist III position (1.0 FTE) to provide oversight and support for budget issues related to licensing of mobile food vendors, particularly the contractual relationship between DSHS and local health departments that would choose to conduct inspections of mobile food vendors; a Program Specialist V position (1.0 FTE) to review enforcement cases, facilitate and moderate the Compliance Review Committee and Informal Conference meetings, drafts notices and orders, and testify at hearings; Attorney IV positions (2.0 FTEs) to represent DSHS in enforcement cases pertaining to retail food regulations to include the new mobile food vendor requirements; and a Legal Assistant III position (1.0 FTE) to support policy and enforcement attorneys in case preparation.

This analysis assumes that salaries, benefits, and other FTE costs at DSHS would cost \$2,930,112 from General Revenue-Dedicated Fund 341 in fiscal year 2026 and \$3,619,701 from General Revenue-Dedicated Fund 341 in fiscal year 2027. The lower cost in fiscal year 2026 is attributable start date for the positions later in the fiscal year.

Based on information provided by the State Office of Administrative Hearings (SOAH), this bill would cost \$234,471 for salaries, benefits and other operating expenses from Interagency Contracts (IAC) and 2.0 FTE positions in fiscal year 2027. SOAH estimates 400 additional cases associated with license denials, suspensions, revocations, and administrative penalties under the bill. SOAH estimates each new additional case requiring 5 Administrative Law Judge (ALJ) hours or 2,000 hours per year with the 400 additional cases. To implement the provisions of the bill, SOAH requests an additional ALJ III position (1.0 FTE) with an annual salary of \$113,278 and an additional Legal Secretary III position (1.0 FTE) with an annual salary of \$53,723. Additionally, SOAH estimates a delayed start and no cost in fiscal year 2026.

Technology

DSHS estimates information technology (IT) needs totaling \$192,008 from General Revenue -Dedicated Fund 341 in fiscal year 2026 and \$16,944 from General Revenue-Dedicated Fund 341 in fiscal year 2027. One-time costs include HHSC staff augmentation and existing system modifications in fiscal year 2026. Ongoing costs include software licenses for 24 of the new FTEs in fiscal year 2026 and fiscal year 2027.

Included in the amounts above for SOAH are \$14,000 for technology costs (equipment and software) in fiscal year 2027.

Local Government Impact

Local authorities may experience a fiscal impact due to requirements in the bill, but the fiscal implications of the bill cannot be determined at this time

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 313 Department of Information Resources, 360 State Office of Administrative Hearings, 529 Health and Human Services Commission, 537 State Health Services, Department of

LBB Staff: JMc, WP, ER, APA, NV