

By: Ellis

S.B. No. 1887

A BILL TO BE ENTITLED

AN ACT

relating to food handlers.

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

SECTION 1. Chapter 437, Health and Safety Code, is amended by adding Section 437.0057 to read as follows:

Sec. 437.0057. REGULATION OF FOOD HANDLERS BY COUNTIES, PUBLIC HEALTH DISTRICTS, AND THE DEPARTMENT. (a) A county, a public health district, or the department may require certification under Subchapter D, Chapter 438, obtained not later than the 30th day after the date a food handler is employed for each food handler who is employed by a food service establishment in which food is prepared on-site for sale to the public and which holds a permit issued by the county, the public health district, or the department. This section applies without regard to whether the food service establishment is at a fixed location or is a mobile food unit.

(b) The requirements of certification under this section may not be more stringent than the requirements of Subchapter D, Chapter 438.

(c) A county, a public health district, or the department may not require an establishment that handles only prepackaged food and does not prepare or package food to employ certified food handlers under this section.

(d) A county, a public health district, or the department

1 may exempt a food service establishment from the requirement that  
2 the county, public health district, or department has imposed under  
3 Subsection (a) if the county, the public health district, or the  
4 department determines that the application of Subsection (a) to  
5 that establishment is not necessary to protect public health and  
6 safety.

7 (e) A person employed as a food handler on the date a  
8 certification requirement imposed by a county, a public health  
9 district, or the department under this section becomes effective is  
10 not required to obtain certification until the 60th day after the  
11 date the requirement becomes effective.

12 SECTION 2. Section 438.032(b), Health and Safety Code, is  
13 amended to read as follows:

14 (b) A person, firm, corporation, or organization operating  
15 or managing a public eating place or vehicle or other place where  
16 food is manufactured, processed, prepared, dispensed, or handled in  
17 a manner or under circumstances that would permit the probable  
18 transmission of disease from a handler to a consumer:

19 (1) may not employ a person described in Subsection  
20 (a) to handle the food, utensils, dishes, or serving implements;  
21 and

22 (2) shall post a sign in a place conspicuous to  
23 employees, in a form adopted by the executive commissioner of the  
24 Health and Human Services Commission, describing a food service  
25 employee's responsibilities to report certain health conditions to  
26 the permit holder under rules adopted by the executive  
27 commissioner.

1 SECTION 3. Section 438.034, Health and Safety Code, is  
2 amended to read as follows:

3 Sec. 438.034. EMPLOYEE CLEANLINESS. A person handling food  
4 or unsealed food containers shall:

5 (1) maintain personal cleanliness;

6 (2) wear clean outer garments;

7 (3) keep the person's hands clean; ~~and~~

8 (4) ~~either:~~

9 ~~[(A)]~~ wash the person's hands and exposed  
10 portions of the person's arms with soap and water:

11 (A) before starting work;

12 (B) ~~[7]~~ during work as often as necessary to  
13 avoid cross-contaminating food; and

14 (C) to maintain cleanliness, after smoking,  
15 eating, and each visit to the toilet; and ~~[or]~~

16 (5) ~~[(B)]~~ avoid bare-hand contact with exposed food by  
17 the use of gloves or utensils ~~[and wash hands after smoking, eating,~~  
18 ~~and each visit to the toilet]~~.

19 SECTION 4. (a) Not later than December 1, 2009, the  
20 executive commissioner of the Health and Human Services Commission  
21 shall adopt the form of the sign required under Section 438.032,  
22 Health and Safety Code, as amended by this Act.

23 (b) A person, firm, corporation, or other organization is  
24 not required to post the sign required by Section 438.032, Health  
25 and Safety Code, as amended by this Act, before January 1, 2010.

26 SECTION 5. This Act takes effect September 1, 2009.