

1-1 By: Kolkhorst S.B. No. 582
1-2 (In the Senate - Filed February 16, 2015;
1-3 February 23, 2015, read first time and referred to Committee on
1-4 Health and Human Services; March 30, 2015, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 9,
1-6 Nays 0; March 30, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Schwertner</u>	X		
1-10	<u>Kolkhorst</u>	X		
1-11	<u>Campbell</u>	X		
1-12	<u>Estes</u>	X		
1-13	<u>Perry</u>	X		
1-14	<u>Rodríguez</u>	X		
1-15	<u>Taylor of Collin</u>	X		
1-16	<u>Uresti</u>	X		
1-17	<u>Zaffirini</u>	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 582 By: Zaffirini

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

1-21 relating to education and training programs for food handlers;
1-22 eliminating the authority of a local health jurisdiction to require
1-23 certain fees.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 437.0057, Health and Safety Code, is
1-26 amended by amending Subsection (a) and adding Subsections (a-1),
1-27 (a-2), and (f) to read as follows:

1-28 (a) A county, a public health district, or the department
1-29 may require certification [~~under Subchapter D, Chapter 438,~~]
1-30 each food handler who is employed by a food service establishment in
1-31 which food is prepared on-site for sale to the public and which
1-32 holds a permit issued by the county, the public health district, or
1-33 the department.

1-34 (a-1) For purposes of this section, a food handler receives
1-35 certification by successfully completing a food handler education
1-36 or training program:

1-37 (1) accredited under Subchapter D, Chapter 438; or
1-38 (2) accredited by the American National Standards
1-39 Institute.

1-40 (a-2) This section applies without regard to whether the
1-41 food service establishment is at a fixed location or is a mobile
1-42 food unit.

1-43 (f) The department may not adopt a rule, regulation, or
1-44 policy that requires food service workers in the state to
1-45 successfully complete a food handler training course. This
1-46 subsection does not prevent the state, a county, or a public health
1-47 district from imposing a food handler training course requirement
1-48 in a location regulated by the state, county, or public health
1-49 district.

1-50 SECTION 2. Section 437.0195(a), Health and Safety Code, is
1-51 amended to read as follows:

1-52 (a) An individual who operates a cottage food production
1-53 operation must have successfully completed a basic food safety
1-54 education or training program for food handlers:

1-55 (1) accredited under Subchapter D, Chapter 438; or
1-56 (2) accredited by the American National Standards
1-57 Institute.

1-58 SECTION 3. Section 437.0203(c), Health and Safety Code, is
1-59 amended to read as follows:

1-60 (c) A person may conduct a cooking demonstration at a

2-1 farmers' market only if:
2-2 (1) regardless of whether the demonstrator provides a
2-3 sample of food to consumers [~~the farmers' market that hosts the~~
2-4 ~~demonstration~~]:

2-5 (A) the [has an] establishment operator [with a
2-6 valid certification under Subchapter D, Chapter 438,] supervising
2-7 the demonstration has completed a food handler education or
2-8 training program:

2-9 (i) accredited under Subchapter D, Chapter
2-10 438; or

2-11 (ii) accredited by the American National
2-12 Standards Institute; and

2-13 (B) the farmers' market that hosts the
2-14 demonstration complies with Sections 437.020 and 437.0202, the
2-15 requirements of a temporary food establishment under this chapter,
2-16 and rules adopted under this chapter; and

2-17 (2) when the demonstrator provides a sample of food to
2-18 consumers:

2-19 (A) the demonstrator provides a sample only and
2-20 not a full serving; and

2-21 (B) samples of food prepared during a
2-22 demonstration are disposed of not later than two hours after the
2-23 beginning of the demonstration.

2-24 SECTION 4. Section 438.046, Health and Safety Code, is
2-25 amended by amending Subsections (b) and (c) and adding Subsections
2-26 (b-1), (b-2), and (d) to read as follows:

2-27 (b) A local health jurisdiction that requires training for a
2-28 food service worker shall accept as sufficient to meet the
2-29 jurisdiction's training and testing requirements a training course
2-30 that is:

2-31 (1) accredited by the department and listed with the
2-32 registry; or

2-33 (2) accredited by the American National Standards
2-34 Institute.

2-35 (b-1) A food service worker trained in a course for the
2-36 employees of a single entity is considered to have met a local
2-37 health jurisdiction's training and testing requirements only as to
2-38 food service performed for that entity.

2-39 (b-2) A food service worker trained in a course offered or
2-40 permitted by a local health jurisdiction is considered to have met a
2-41 local health jurisdiction's training and testing requirements as to
2-42 food service performed in that jurisdiction only.

2-43 (c) Except as provided by Subsection (d), any [Any] fee
2-44 charged by a local health jurisdiction for a certificate issued to a
2-45 food service worker trained by an accredited course listed in the
2-46 registry may not exceed the lesser of:

2-47 (1) the reasonable cost incurred by the jurisdiction
2-48 in issuing the certificate; or

2-49 (2) the fee charged by the jurisdiction to issue a
2-50 certificate to a food service worker certified by the jurisdiction
2-51 as having met the training and testing requirements by any other
2-52 means.

2-53 (d) A local health jurisdiction may not charge a fee for a
2-54 certificate issued to a food handler trained by an accredited
2-55 course described by Subsection (b).

2-56 SECTION 5. This Act takes effect immediately if it receives
2-57 a vote of two-thirds of all the members elected to each house, as
2-58 provided by Section 39, Article III, Texas Constitution. If this
2-59 Act does not receive the vote necessary for immediate effect, this
2-60 Act takes effect September 1, 2015.

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