By: Lambert, et al. (Senate Sponsor - Johnson) H.B. No. 1694 (In the Senate - Received from the House April 29, 2019; April 29, 2019, read first time and referred to Committee on Health & Human Services; May 17, 2019, reported favorably by the following vote: Yeas 9, Nays 0; May 17, 2019, sent to printer.) 1-1 1-2 1-3 1-4 1-5

1-6	COMMITTEE VOTE
1-7	Yea Nay Absent PNV
1-8	Kolkhorst X
1-9	Perry X
1-10	Buckingham X
1-11	Campbell X
1-12	Flores X
1-13	Johnson X
1-14	Miles X
1-15	Powell X
1-16	Seliger X
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1-17 1-18	A BILL TO BE ENTITLED
1-19	AN ACT
1-19	relating to limitations on food regulations at farms, farmers'
1-20	markets, and cottage food production operations.
1-21	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-22	SECTION 1. Section 437.020(a)(2), Health and Safety Code,
1-23	is amended to read as follows:
1-24	(2) "Food" means an agricultural, apicultural,
1-25	horticultural, silvicultural, viticultural, or vegetable product
1-26	for human consumption, in either its natural or processed state,
1-27	that has been produced or processed or otherwise has had value added
1-28	to the product in this state. The term includes:
1-29	(A) fish or other aquatic species;
1-30	(B) livestock, a livestock product, or a
1-31	livestock by-product;
1-32	(C) planting seed;
1-33	(D) poultry, a poultry product, or a poultry
1-34	by-product;
1-35	(E) wildlife processed for food or by-products;
1-36	(F) a product made from a product described by
1-37	this subdivision by a farmer or other producer, including a cottage
1-38	food production operation, who grew or processed the product; or
1-39	(G) produce.
1-40	SECTION 2. Section 437.020, Health and Safety Code, is
1-41	amended by adding Subsections (b-1), (b-2), (b-3), (f), and (g) to
1-42	read as follows:
1-43	(b-1) The department or a local government authority,
1-44	including a local health department, may not require a person to
1-45	obtain a permit under this chapter to provide samples of food at a
1-46	farm or farmers' market under this section.
1-47	(b-2) A local government authority, including a local
1-48	health department, may not regulate the provision of samples of
1-49	food at a farm or farmers' market except as provided by this
1-50	chapter.
1-51	(b-3) The department or a local government authority,
1-52	including a local health department, may:
1-53	(1) perform an inspection to enforce the requirements
1-54	of this section for preparing and distributing samples of food at a
1-55	farm or farmers' market; and
1-56	(2) require a person to obtain a permit under this
1-57	chapter to offer for sale or distribution to consumers food cooked
1-58	at a farm or farmers' market.
1-59	(f) A cottage food production operation may only provide
1-60	samples of food described by Section 437.001(2-b)(A) produced by
1-61	the eneration

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2-1	(g) This section does not apply to a person who:
2-2	(1) provides samples of food at a farm or farmers'
2-3	market; and
2-4	(2) does not sell food directly to consumers at the
2-5	farm or farmers' market.
2-6	SECTION 3. Section 437.0201(e), Health and Safety Code, is
2-7	amended to read as follows:
2-8	(e) The executive commissioner <u>,</u> [or] a state [or local]
2-9	enforcement agency, or a local government authority, including a
2-10	local health department, may not adopt a rule requiring a farmers'
2-11	market to pay a permit fee for <u>:</u>
2-12	(1) conducting a cooking demonstration [or providing
	samples of food] if the demonstration [or provision of samples] is
2-14	conducted for a bona fide educational purpose <u>; or</u>
2-15	(2) providing samples of food.
2-16	SECTION 4. This Act takes effect September 1, 2019.
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