

By: Capriglione

H.B. No. 2107

A BILL TO BE ENTITLED

AN ACT

relating to information provided by a local health jurisdiction on food regulation.

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

SECTION 1. The heading to Subchapter H, Chapter 438, Health and Safety Code, is amended to read as follows:

SUBCHAPTER H. INFORMATION ON DEPARTMENT OR LOCAL HEALTH JURISDICTION FOOD REGULATION

SECTION 2. Subchapter H, Chapter 438, Health and Safety Code, is amended by adding Section 438.151 to read as follows:

Sec. 438.151. DEFINITION. In this subchapter, "local health jurisdiction" means a public health district, county, or municipality that regulates food service establishments, retail food stores, mobile food units, temporary food service establishments, or roadside food vendors.

SECTION 3. Section 438.152, Health and Safety Code, is amended to read as follows:

Sec. 438.152. REQUEST FOR INFORMATION. Unless otherwise prohibited by state or federal law, on receipt of a written request for information pertaining to the regulation of food under this subtitle, the department or a local health jurisdiction shall provide a reasonable and substantial response to the request not later than the 30th day after the date the department or local health jurisdiction receives the request.

1 SECTION 4. Section 438.153, Health and Safety Code, is
2 amended to read as follows:

3 Sec. 438.153. REQUEST FOR OFFICIAL DETERMINATION. (a) On
4 receipt of a written request regarding the applicability to a
5 specific circumstance of a regulation or the requirements for
6 compliance with the regulation, the department or local health
7 jurisdiction shall provide an official written determination
8 regarding the applicability of the regulation or the requirements
9 for compliance with the regulation to the requestor not later than
10 the 30th day after the date the department or local health
11 jurisdiction receives the request.

12 (b) An official determination made under this section is
13 valid until the regulation that is the subject of the determination
14 is amended by statute, ~~or~~ department rule, or local health
15 jurisdiction regulation.

16 SECTION 5. The changes in law made by this Act apply only to
17 a request for information or official determination made under
18 Subchapter H, Chapter 438, Health and Safety Code, as amended by
19 this Act, to a local health jurisdiction on or after January 1,
20 2020. A request for information or official determination made to a
21 local health jurisdiction before January 1, 2020, is governed by
22 the law in effect immediately before the effective date of this Act,
23 and that law is continued in effect for that purpose.

24 SECTION 6. This Act takes effect September 1, 2019.