

1-1 By: Capriglione, et al. H.B. No. 2107
1-2 (Senate Sponsor - Hughes)
1-3 (In the Senate - Received from the House April 15, 2019;
1-4 April 17, 2019, read first time and referred to Committee on Health
1-5 & Human Services; May 8, 2019, reported favorably by the following
1-6 vote: Yeas 9, Nays 0; May 8, 2019, sent to printer.)

1-7 COMMITTEE VOTE

1-8	Yea	Nay	Absent	PNV
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
1-19 AN ACT

1-20 relating to information provided by a local health jurisdiction on
1-21 food regulation.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. The heading to Subchapter H, Chapter 438, Health
1-24 and Safety Code, is amended to read as follows:

1-25 SUBCHAPTER H. INFORMATION ON DEPARTMENT OR LOCAL HEALTH
1-26 JURISDICTION FOOD REGULATION

1-27 SECTION 2. Subchapter H, Chapter 438, Health and Safety
1-28 Code, is amended by adding Section 438.151 to read as follows:

1-29 Sec. 438.151. DEFINITION. In this subchapter, "local
1-30 health jurisdiction" means a public health district, county, or
1-31 municipality that regulates food service establishments, retail
1-32 food stores, mobile food units, temporary food service
1-33 establishments, or roadside food vendors.

1-34 SECTION 3. Section 438.152, Health and Safety Code, is
1-35 amended to read as follows:

1-36 Sec. 438.152. REQUEST FOR INFORMATION. Unless otherwise
1-37 prohibited by state or federal law, on receipt of a written request
1-38 for information pertaining to the regulation of food under this
1-39 subtitle, the department or a local health jurisdiction shall
1-40 provide a reasonable and substantial response to the request not
1-41 later than the 30th day after the date the department or local
1-42 health jurisdiction receives the request.

1-43 SECTION 4. Section 438.153, Health and Safety Code, is
1-44 amended to read as follows:

1-45 Sec. 438.153. REQUEST FOR OFFICIAL DETERMINATION. (a) On
1-46 receipt of a written request regarding the applicability to a
1-47 specific circumstance of a regulation or the requirements for
1-48 compliance with the regulation, the department or local health
1-49 jurisdiction shall provide an official written determination
1-50 regarding the applicability of the regulation or the requirements
1-51 for compliance with the regulation to the requestor not later than
1-52 the 30th day after the date the department or local health
1-53 jurisdiction receives the request.

1-54 (b) An official determination made under this section is
1-55 valid until the regulation that is the subject of the determination
1-56 is amended by statute, ~~or~~ department rule, or local health
1-57 jurisdiction regulation.

1-58 SECTION 5. The changes in law made by this Act apply only to
1-59 a request for information or official determination made under
1-60 Subchapter H, Chapter 438, Health and Safety Code, as amended by
1-61 this Act, to a local health jurisdiction on or after January 1,

2-1 2020. A request for information or official determination made to a
2-2 local health jurisdiction before January 1, 2020, is governed by
2-3 the law in effect immediately before the effective date of this Act,
2-4 and that law is continued in effect for that purpose.

2-5 SECTION 6. This Act takes effect September 1, 2019.

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