

- SUBJECT:** Accepting certain training courses to satisfy food handler requirements
- COMMITTEE:** Public Health — committee substitute recommended
- VOTE:** 8 ayes — Crossover, Naishtat, Blanco, Guerra, R. Miller, Sheffield, Zedler, Zerwas
- 0 nays
- 3 absent — Coleman, Collier, S. Davis
- SENATE VOTE:** On final passage, April 9 — 31-0, on local and uncontested calendar
- WITNESSES:** For — Richie Jackson, Texas Restaurant Association; (*Registered, but did not testify*: Brian Sullivan, Texas Hotel and Lodging Association; Jim Sheer, Texas Retailers Association; Michael Garcia, the Texas Lobby Group)
- Against — (*Registered, but did not testify*: Nancy Williams, City of Austin; Lindsay Lanagan, City of Houston; Jeff Coyle, City of San Antonio; Mark Mendez, Tarrant County Commissioners Court)
- On — Duane Galligher, Texas Environmental Health Association; (*Registered, but did not testify*: Christopher Sparks, Department of State Health Services; Donna Warndof, Harris County)
- BACKGROUND:** Health and Safety Code, ch. 438, subch. D governs food service programs, including food handler training programs. Sec. 438.046 requires the Department of State Health Services to maintain a registry of accredited programs for persons employed in the food service industry. This section also provides requirements related to the fees that a local health jurisdiction may charge for a certificate issued to a food service worker trained by an accredited course.
- DIGEST:** CSSB 582 would establish that a food service worker who had been trained in a food handler training course accredited by the American

National Standards Institute had met a local health jurisdiction's training, testing, and permitting requirements. A local health jurisdiction could require a food establishment to maintain on the premises a certificate of completion of the training course for employees.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

**SUPPORTERS  
SAY:**

CSSB 582 would simplify the process for food handlers and employers at food establishments who sought to establish that proper food handler training requirements had been met. Proof that such requirements have been met is important during health and safety inspections of food establishments.

Some local health jurisdictions charge food service workers a registration or permitting fee associated with providing certification that they have the appropriate food handling training for a job. The bill would protect food service workers from paying unnecessary and duplicative charges to register their credentials at more than one local health department should they change jobs or work in several jurisdictions. At the same time, the bill would not amend current law allowing a local authority to charge reasonable, administrative fees.

The bill would allow food establishments to keep food handler training certificates on site for review by local health inspectors. Completion of American National Standards Institute (ANSI)-accredited courses is easy to verify using QR codes, which can be read on a smart phone or by calling the course provider to check authenticity.

**OPPONENTS  
SAY:**

CSSB 582 would favor courses offered by ANSI-accredited vendors to the detriment of those who offer other state-approved training courses, even though these courses are based on ANSI standards and essentially provide the same training. As a result of the bill, over time, other vendors could lose students and revenue. The bill could discourage workers from taking on-site courses offered and preferred by many local health jurisdictions.

The bill also should explicitly address fees for food handler training, permitting, or registration. If they were unable to charge registration fees for employees who took ANSI-accredited courses, local health jurisdictions might not have the resources to perform their duties properly.

NOTES:

CSSB 582 differs from the Senate engrossed version of the bill in that the Senate engrossed version would:

- prohibit a local health jurisdiction from charging a fee for a certificate issued to a food handler trained by an accredited course;
- prohibit the Department of State Health Services from adopting a rule that required food service workers in the state to complete a food handler training course; and
- specify that a food service worker trained in a course offered or permitted by a local health jurisdiction was considered to have met requirements as to food service performed only in that jurisdiction.