SUBCHAPTER H. INFORMATION ON DEPARTMENT FOOD REGULATION

Sec. 438.151. DEFINITIONS. In this subchapter:
(1) “Department” means the Department of State Health Services.
(2) “Executive commissioner” means the executive commissioner of the Health and Human Services Commission.

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 subchapter, the department shall provide a reasonable and substantial response to the request not later than the 30th day after the date the department receives the request.

Sec. 438.153. REQUEST FOR OFFICIAL DETERMINATION. (a) On receipt of a written request regarding the applicability to a specific circumstance of a regulation or the requirements for compliance with the regulation, the department shall provide an official written determination regarding the applicability of the regulation or the requirements for compliance with the regulation to the requestor not later than the 30th day after the date the department receives the request.

(b) An official determination made under this section is valid until the regulation that is the subject of the determination is amended by statute or department rule.

Sec. 438.154. EFFECT OF OFFICIAL DETERMINATION. An inspector may not issue to a person a citation for a violation of a food regulation governed by this subchapter if the person provides the inspector with an official determination made under Section 438.153 that contradicts the opinion of the inspector.

Sec. 438.155. RULES. (a) The executive commissioner shall adopt rules to implement this subchapter.

(b) The executive commissioner periodically shall evaluate the department’s food safety rules and modify the rules as necessary to improve consistency and communication in food regulation in this state.

SECTION 2. (a) Not later than December 1, 2013, the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement Subchapter H, Chapter 438, Health and Safety Code, as added by this Act.

(b) This Act applies only to a request for information or official determination made under Subchapter H, Chapter 438, Health and Safety Code, as added by this Act, to the Department of State Health Services on or after January 1, 2014. A request for information or official determination made to the Department of State Health Services before January 1, 2014, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

Passed by the House on May 7, 2013: Yeas 143, Nays 0. 2 present, not voting; passed by the Senate on May 22, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective September 1, 2013.
Sec. 11.003. SUNSET PROVISION. (a) The Texas Board of Health and the Texas Department of Health were abolished by Section 1.26, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, and the powers and duties of those entities under this chapter were transferred to other agencies, which are subject to Chapter 325, Government Code (Texas Sunset Act). Unless the agencies to which those powers and duties are transferred are continued in existence as provided by that chapter, this chapter expires September 1, 2015.

(b) In the review of the Department of State Health Services by the Sunset Advisory Commission, as required by this section and Section 1001.003, the sunset commission shall review the powers and duties exercised by the department under Chapter 108 and determine whether the department, under that chapter, is:

1. achieving the legislature’s intent of empowering consumers with information to make informed health care decisions;
2. maintaining appropriate privacy and security standards for patient information; and
3. limiting the patient information the department collects to the information necessary for performing the department’s duties under Chapter 108.

(c) The Sunset Advisory Commission shall report its findings to the legislature in the report required by Section 325.010, Government Code. This subsection and Subsection (b) expire September 1, 2015.

SECTION 2. Chapter 108, Health and Safety Code, is amended by adding Section 108.016 to read as follows:

Sec. 108.016. SUNSET REVIEW. Unless continued in existence in accordance with Chapter 325, Government Code (Texas Sunset Act), after the review required by Section 11.003(b), this chapter expires September 1, 2015.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed by the House on April 26, 2013: Yeas 135, Nays 0, 2 present, not voting; passed by the Senate on May 22, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.
Effective June 14, 2013.

CHAPTER 920

H.B. No. 1405

AN ACT

to the collection of surplus lines insurance premium taxes for insurance placed with a managing underwriter.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 225.006, Insurance Code, is amended to read as follows:

Sec. 225.006. COLLECTION OF TAX BY AGENT. (a) Except as otherwise provided by this section, a surplus lines agent shall collect from the insured the tax imposed by this chapter at the time of delivery of the cover note, certificate of insurance, policy, or other initial confirmation of insurance and the full amount of the gross premium charged by the eligible surplus lines insurer for the insurance.

(b) Subject to Subsection (c) and notwithstanding any other law, if a surplus lines agent places an insurance policy with a managing underwriter, as defined by Section 981.002, the managing underwriter shall collect, report, and pay the tax imposed by this chapter.