

BILL ANALYSIS

Senate Research Center
84R17010 JSC-D

C.S.S.B. 582
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Health & Human Services
3/25/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.S.B. 582 eliminates the ability of a local jurisdiction to charge a fee to a food handler who has received accreditation from a national organization. Fees vary from locality to locality and create a burden on otherwise qualified individuals.

Current law (Section 437.0057 (Regulation of Food Handlers and Other Food Service Employees by Counties, Public Health Districts, and the Department), Health and Safety Code) provides that a local health authority may require food handlers to be certified by a training program authorized under Chapter 438 (Public Health Measures Relating to Food) and that the local health authority may issue a permit or certification authorizing the worker to be employed in a food service establishment.

Training courses for food handlers are currently under the accreditation of the Department of State Health Services (DSHS) in Subchapter D (Food Services Programs), Chapter 438, Health and Safety Code.

A food handler who takes an accredited food handler training course pays a fee to the training provider of anywhere between \$10 to \$15 for the training and a certificate designating the successful completion of the course. That certificate is then taken to the health authority for the issuance of a permit.

Section 438.046(c), Health and Safety Code, provides that a local health jurisdiction or county may impose a fee to issue a permit to a worker that has been trained in an accredited course. It is not uncommon for a local health authority to charge a fee of \$10 to \$12 and in some jurisdictions the fees are as high as \$15 (which likely exceeds reasonable costs of issuance).

The fee charged by a local health jurisdiction may not exceed the lesser of the reasonable cost incurred by the jurisdiction in issuing the permit or the fee charged by the jurisdiction to issue a permit to a food service worker as having met the training and testing requirements by any other means. Local fees for food handler permits must not exceed reasonable costs to issue the permit.

Food service workers generally bear this cost and if they work in more than one city or county they have to pay for a food handler permit in each jurisdiction that requires a food handler training.

C.S.S.B. 582 amends the Health and Safety Code to provide that each jurisdiction that requires food handler certification accept a certificate of completion from a food handler-training course if that course has received American National Standards Institute (ANSI) accreditation. The certificate would be available for review by the health inspector, eliminating the need for the health authority to issue a permit and lowering the cost to the food service worker when obtaining a job. The DSHS sunset bill will require that all food handler courses (other than in-house training courses) in Texas be offered by entities that are ANSI accredited. ANSI is nationally recognized in accrediting courses that meet high standards of content and course security in a large number of professions.

C.S.S.B. 582 amends current law relating to education and training programs for food handlers and eliminates the authority of a local health jurisdiction to require certain fees.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Department of State Health Services is modified in SECTION 1 (Section 437.0057, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 437.0057, Health and Safety Code, by amending Subsection (a) and adding Subsections (a-1), (a-2), and (f), as follows:

(a) Deletes a reference to Subchapter D (Food Services Programs), Chapter 438 (Public Health Measures Relating to Food), and makes no further change to this subsection.

(a-1) Provides that, for purposes of this section, a food handler receives certification by successfully completing a food handler education or training program accredited under Subchapter D, Chapter 438, or accredited by the American National Standards Institute (ANSI).

(a-2) Creates this subsection from existing text and makes no further change to this subsection.

(f) Prohibits the Department of State Health Services from adopting a rule, regulation, or policy that requires food service workers in the state to successfully complete a food handler training course. Provides that this subsection does not prevent the state, a county, or a public health district from imposing a food handler training course requirement in a location regulated by the state, county, or public health district.

SECTION 2. Amends Section 437.0195(a), Health and Safety Code, to add a basic food safety education or training program for food handlers accredited by ANSI to the training programs an individual who operates a cottage food production operation is required to have successfully completed. Makes nonsubstantive changes.

SECTION 3. Amends Section 437.0203(c), Health and Safety Code, as follows:

(c) Authorizes a person to conduct a cooking demonstration at a farmers' market only if:

(1) regardless of whether the demonstrator provides a sample of food to consumers, the establishment operator supervising the demonstration has completed a food handler education or training program accredited under Subchapter D, Chapter 438, or accredited by ANSI, and the farmers' market that hosts the demonstration complies with Sections 437.020 (Regulation of Food Samples at Farms and Farmers' Markets) and 437.0202 (Temperature Requirements for Food at Farmers' Markets), the requirements of a temporary food establishment under this chapter, and rules adopted under this chapter; and

(2) Makes no change to this subdivision.

Deletes existing text authorizing a person to conduct a cooking demonstration at a farmers' market only if, regardless of whether the demonstrator provides a sample of food to consumers, the farmers' market that hosts the demonstration has an establishment operator with a valid certification under Subchapter D, Chapter 438, supervising the demonstration, and complies with Sections 437.020 and 437.0202, the requirements of a temporary food establishment under this chapter, and rules adopted under this chapter.

SECTION 4. Amends Section 438.046, Health and Safety Code, by amending Subsections (b) and (c) and adding Subsections (b-1), (b-2), and (d), as follows:

(b) Adds a training course that is accredited by ANSI to the courses that a local health jurisdiction that requires training for a food service worker is required to accept as

sufficient to meet the jurisdiction's training and testing requirements. Makes nonsubstantive changes.

(b-1) Creates this subsection from existing text and makes no further change to this subsection.

(b-2) Provides that a food service worker trained in a course offered or permitted by a local health jurisdiction is considered to have met a local health jurisdiction's training and testing requirements as to food service performed in that jurisdiction only.

(c) Creates an exception under Subsection (d) and makes no further change to this subsection.

(d) Prohibits a local health jurisdiction from charging a fee for a certificate issued to a food handler trained by an accredited course described by Subsection (b).

SECTION 5. Effective date: upon passage or September 1, 2015.