

## **BILL ANALYSIS**

Senate Research Center  
85R5660 BEF-F

H.B. 3227  
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Agriculture, Water & Rural Affairs  
5/16/2017  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 3227 amends the Agriculture Code to revise provisions relating to the coordination of food safety to specify that the Texas Department of Agriculture (TDA) is the lead agency for the administration, implementation, and enforcement of, and education and training relating to, United States Food and Drug Administration Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption or any successor federal produce safety rule or standard and to specify that those provisions apply to the coordination of produce safety. H.B. 3227 removes the requirement that TDA approve training and awareness programs for producers and packers of fresh fruits and vegetables. H.B. 3227 includes nongovernmental organizations among the entities with which TDA is required to coordinate the planning and implementation of such programs. H.B. 3227 authorizes TDA to enter into a cooperative agreement, interagency agreement, grant agreement, or memorandum of understanding with a federal or state agency for the administration, implementation, or enforcement of provisions relating to the coordination of produce safety.

H.B. 3227 expands TDA's rulemaking authority regarding the coordination of produce safety to include the adoption of rules to administer and enforce such provisions. H.B. 3227 removes the requirement that TDA consult and coordinate with the Department of State Health Services in the development of rules for the certification of approved food safety curriculum or training. H.B. 3227 authorizes TDA, in the development of rules on the coordination of produce safety, to consider relevant state, federal, or national standards and consult with federal or state agencies.

H.B. 3227 includes provisions on the coordination of produce safety among the provisions a violation of which, or of a related TDA rule or order, is subject to a TDA administrative penalty and sets the maximum penalty at \$5,000.

H.B. 3227 amends current law relating to the administration and enforcement of produce safety standards by the Department of Agriculture and authorizes an administrative penalty.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Department of Agriculture is modified in SECTION 2 (Section 91.009, Agriculture Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 12.020(c), Agriculture Code, to include Section 91.009 among the provisions of law subject to this section, with an applicable penalty amount of not more than \$5,000.

SECTION 2. Amends Section 91.009, Agriculture Code, as follows:

Sec. 91.009. New heading: COORDINATION OF PRODUCE SAFETY. (a) Provides that the Texas Department of Agriculture (TDA) is the lead agency for the administration, implementation, and enforcement of, and education and training relating to, the United States Food and Drug Administration Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption (21 C.F.R. Part 112) or any successor federal produce safety rule or standard.

(a-1) Creates this subsection from existing text. Requires TDA to assist the fresh fruit and vegetable industries with produce safety issues, rather than food safety issues, and authorizes TDA to provide assistance to federal agencies in their implementation of guidelines, rather than voluntary guidelines, relating to sound agricultural practices.

(b) Requires that a program under this subsection inform and educate producers and packers regarding certain information, including proper produce handling procedures and the enhancement of overall produce safety, rather than proper food handling procedures and the enhancement of overall food safety. Deletes existing text requiring TDA to approve training and awareness programs for producers and packers of fresh fruit and vegetables.

(c) Includes the Texas A&M AgriLife Extension Service and Texas A&M AgriLife Research, rather than the Texas AgriLife Extension Service and Texas AgriLife Research, and nongovernmental organizations among the entities with which TDA is required to coordinate the planning and implementation of certain programs. Makes nonsubstantive changes.

(c-1) Authorizes TDA to enter into a cooperative agreement, interagency agreement, grant agreement, or memorandum of understanding with a federal or state agency for the administration, implementation, or enforcement of this section.

(d) Authorizes TDA to adopt rules to administer, implement, and enforce, rather than to implement, this section. Authorizes TDA to, in the development of rules under this section, consider relevant state, federal, or national standards and to consult with federal or state agencies. Deletes existing text requiring TDA to, in the development of rules for the certification of approved food safety curriculum or training, consult and coordinate with the Department of State Health Services.

SECTION 3. Effective date: upon passage or September 1, 2017.