

BILL ANALYSIS

C.S.S.B. 1089
By: Perry
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties suggest that the treatment of certain food handling training courses by local health jurisdictions for purposes of required training is insufficiently consistent. C.S.S.B. 1089 seeks to address this issue by reforming the certification of food service workers.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 1089 amends the Health and Safety Code to establish that a food service worker trained in a food handling course that is accredited by the Department of State Health Services and listed with the registry of accredited course programs, as an alternative to a course that is accredited by the American National Standards Institute, is considered to have met a local health jurisdiction's training, testing, and permitting requirements. The bill includes a local health jurisdiction's permitting requirements among the requirements a food service worker trained in a course for the employees of a single entity is considered to have met for food service performed for that entity. The bill prohibits a local health jurisdiction from charging a fee or requiring or issuing a local food handler card for a certificate issued to a food service worker who provides proof of completion of an accredited food handler training course and removes provisions relating to the amount of any certificate fee charged by a local health jurisdiction.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1089 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Sections 438.046(b), (b-1), and (c), Health and Safety Code, are

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Sections 438.046(b), (b-1), and (c), Health and Safety Code, are

85R 30985

17.135.527

Substitute Document Number: 85R 20668

amended to read as follows:

(b) ~~[A local health jurisdiction that requires training for a food service worker shall accept as sufficient to meet the jurisdiction's training and testing requirements a training course that is accredited by the department and listed with the registry.]~~ A food service worker trained in a course for the employees of a single entity is considered to have met a local health jurisdiction's training and testing requirements only as to food service performed for that entity.

(b-1) A food service worker trained in a food handler training course that is accredited by the American National Standards Institute or that is accredited by the department and listed with the registry is considered to have met a local health jurisdiction's training, testing, and permitting requirements. A local health jurisdiction may require a food establishment, as that term is defined by Section 438.101, to maintain on the premises of the food establishment a certificate of completion of the training course for employees of the food establishment.

(c) A local health jurisdiction may not charge a fee for a certificate issued to a food service worker who provides proof of completion of an accredited course described by Subsection (b-1). ~~[Any fee charged by a local health jurisdiction for a certificate issued to a food service worker trained by an accredited course listed in the registry may not exceed the lesser of:~~

~~[(1) the reasonable cost incurred by the jurisdiction in issuing the certificate; or~~

~~[(2) the fee charged by the jurisdiction to issue a certificate to a food service worker certified by the jurisdiction as having met the training and testing requirements by any other means.]~~

SECTION 2. 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, 2017.

amended to read as follows:

(b) ~~[A local health jurisdiction that requires training for a food service worker shall accept as sufficient to meet the jurisdiction's training and testing requirements a training course that is accredited by the department and listed with the registry.]~~ A food service worker trained in a course for the employees of a single entity is considered to have met a local health jurisdiction's training, ~~and~~ testing, and permitting requirements only as to food service performed for that entity.

(b-1) A food service worker trained in a food handler training course that is accredited by the American National Standards Institute or that is accredited by the department and listed with the registry is considered to have met a local health jurisdiction's training, testing, and permitting requirements. A local health jurisdiction may require a food establishment, as that term is defined by Section 438.101, to maintain on the premises of the food establishment a certificate of completion of the training course for employees of the food establishment.

(c) A local health jurisdiction may not charge a fee or require or issue a local food handler card for a certificate issued to a food service worker who provides proof of completion of an accredited course described by Subsection (b-1) ~~[Any fee charged by a local health jurisdiction for a certificate issued to a food service worker trained by an accredited course listed in the registry may not exceed the lesser of:~~

~~[(1) the reasonable cost incurred by the jurisdiction in issuing the certificate; or~~

~~[(2) the fee charged by the jurisdiction to issue a certificate to a food service worker certified by the jurisdiction as having met the training and testing requirements by any other means].~~

SECTION 2. Same as engrossed version.