

- SUBJECT:** Regulation of food samples at farms and farmers' markets
- COMMITTEE:** Agriculture and Livestock — committee substitute recommended
- VOTE:** 5 ayes — T. King, Anderson, Kleinschmidt, Springer, White
1 nay — Kacal
1 absent — M. González
- WITNESSES:** For — Judith McGeary, Farm and Ranch Freedom Alliance; Suzanne Santos, Sustainable Food Center; (*Registered, but did not testify:* Susan Beckwith, Texas Organic Farmers and Gardeners Association; Katie Malaspina, Texans Care for Children; Peter McCarthy, Texas Health Freedom Coalition; James Wygant, Farm and Ranch Freedom Alliance; Jarrod Atkinson; Teresa Beckmeyer; Patrick Fitzsimons; Carla Jenkins; Kelley Masters; Susanna Simpson; Roxanna Smock; Clint Stutts)

Against — (*Registered, but did not testify:* Shanna Igo, Texas Municipal League; Stephanie Johns, City of San Antonio; TJ Patterson, City of Fort Worth)

On — (*Registered, but did not testify:* Troy Alexander, Texas Medical Association; Adam Buuck, Texas Department of State Health Services, State Meat Inspection Program; Cheryl Wilson, Department of State Services)
- DIGEST:** CSHB 1382 would amend Health and Safety Code, ch. 437 to regulate food samples at farms and farmers' markets. References to "food" available at farmers' markets would go beyond "produce" to include poultry, fish, livestock and associated products, planting seed, or a product made from the above items.

Sanitary conditions for sampling. The bill would make adjustments to existing standards for sanitary conditions by removing certain requirements, including that produce samples be kept in approved, clean, and covered containers and that cutting surfaces meet standards approved by local or state enforcement agencies.

CSHB 1382 would allow a person preparing produce samples on-site to observe proper hand washing techniques immediately before preparing samples instead of wearing gloves. Under the bill, utensil and hand-washing water would not have to be disposed of in a facility connected to the public sewer system or in a manner approved by local or state enforcement agencies.

The bill also would require a person selling or providing samples of meat to comply with Health and Safety Code, ch. 433 of the regarding meat and poultry inspection.

Cooking demonstrations. The bill would prohibit a unit of local or state government from requiring a farmers' market to pay a permit fee for conducting a cooking demonstration or providing samples of food if the demonstration or provision of samples was conducted for a bona fide educational purpose. The bill also would make various adjustments to existing sanitary condition standards when providing samples at a farmers' market and provide guidance on the regulation of cooking demonstrations at farmers' markets.

A farmers' market could host cooking demonstrations if it had an establishment operator with a valid certification supervising the demonstration, regardless of whether the demonstrator provided a sample of food. The market also would have to comply with the requirements and rules of a temporary food establishment. Any food provided would have to be a sample of food and not a full serving, and food samples would have to be disposed of within two hours after beginning the demonstration.

The bill would take effect September 1, 2013.

**SUPPORTERS
SAY:**

CSHB 1382 would regulate farmers' markets in a way that reflected the service they provide. Under current law, farmers' markets across Texas are strapped with inappropriately burdensome regulation that is better suited to a grocery store, which operates on a daily basis in a consistent and controlled environment. By contrast, farmers' markets are typically held once or twice a week for only a few hours, often outside in an empty lot.

The bill would change this one-size-fits-all policy and apply common-sense but flexible health and safety regulations better suited to the operators, vendors and consumers sampling and selling food at a farmers'

market. The bill would not alter who could enforce the rules or significantly change the safety standards. It simply would make the requirements more practical for the environment in which the food was being sampled and sold.

CSHB 1382 also would add a provision allowing for certain cooking demonstrations for educational purposes. This would give vendors at a farmers' market the ability to offer supervised demonstrations designed to inform customers on proper cooking techniques for food being sold. This would lead to a better-informed customer.

Farmers' markets are all about choice. This bill would allow more Texans the opportunity to make informed decisions about the food they prepare and consume.

**OPPONENTS
SAY:**

While the bill would tailor health and safety regulations to better suit the practical needs of farmers' markets, it does not contain enough protections to ensure food safety and public health.