

SUBJECT: Food safety regulations and education program

COMMITTEE: Public Health — committee substitute recommended

VOTE: 9 ayes — Kolkhorst, Naishtat, Coleman, S. Davis, Gonzales, S. King, Schwertner, Truitt, Zerwas

0 nays

2 absent — Alvarado, Laubenberg

SENATE VOTE: On final passage, March 17 — 31-0, on Local and Uncontested Calendar

WITNESSES: For — None

Against — None

On — Julie Loera, Department of State Health Services

BACKGROUND: Health and Safety Code ch. 431 stipulates that a person who only harvests, packages, washes, or ships produce is not required to hold a license for the sale of food, drugs, or cosmetics. It also requires the Texas Board of Health to establish minimum standards to obtain and hold a license.

DIGEST: CSSB 81 would allow a person to be exempt from holding a license for the sale of food, drugs, or cosmetics only if they harvested, packaged, or washed produce to ship from the harvest's location. This change would take effect on September 1, 2012

CSSB 81 would require the Texas Board of Health to establish minimum safety standards for produce based on known risks, history of outbreaks of food-borne communicable diseases, and any standards developed by a federal or state agency or university.

The bill would require the Department of State Health Services (DSHS) to establish a best practices food safety program, where businesses could earn a certificate that would last five years. When a health authority decided on which businesses to inspect, CSSB 81 would require them to

consider if the business held a best practices food safety program certificate.

The bill also would require DSHS to post on the internet a link to the text and an explanation of the purpose of any federal regulations adopted as state rule under the Texas Food, Drug, and Cosmetic Act. DSHS also would have to provide information on how to provide comments for any pending or proposed federal regulations.

The bill would take effect September 1, 2011.

**SUPPORTERS
SAY:**

Recently, there have been outbreaks of food-related diseases that began as a result of contaminated produce, including tomatoes and spinach. Exemptions from licensing in this area should be restricted to those who ship produce directly from the harvest's location. Produce that travels to another destination and then is shipped to markets across Texas should be subject to licensing and inspection in order to protect the health and safety of Texas consumers.

A best practices food safety program would give many licensed food, drug, and cosmetic businesses the needed tools to maintain the safety of their products. In addition, health and safety inspectors could use their limited resources inspecting businesses more likely to have safety issues and would not need to focus their attention on certified businesses.

**OPPONENTS
SAY:**

While educating businesses on food safety would help protect against contaminated food, the rate of inspections for all businesses should not change. The best practices food safety program certificate CSSB 81 would create could give a false sense of food safety to Texans. A business could go through the program, earn a certificate, and be free from inspection for up to five years.