

BILL ANALYSIS

Senate Research Center
82R1105 EES-F

S.B. 81
By: Nelson
Health & Human Services
2/9/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently there is a loophole in the Texas Health and Safety Code that exempts fresh produce wholesalers from Department of State Health Services (DSHS) licensing requirements and regulatory authority. Therefore, these entities are not inspected by any state agency.

This exemption was originally included in statute because produce was considered low-risk for contamination. In recent years, however, cross-contamination has resulted in food-borne diseases being found in tomatoes, spinach, and peppers, among other types of produce.

S.B. 81 would close that loophole so that all entities that harvest, package, wash, or ship raw produce, except for small farmers, will be required to be licensed and regulated by DSHS.

As proposed, S.B. 81 amends current law relating to food manufacturers, food wholesalers, and warehouse operators required to hold a license.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 431.2211(a), Health and Safety Code, to provide that a person is not required to hold a license under this subchapter if the person is a certain entity, including a person, firm, or corporation that only harvests, packages, or washes raw fruits or vegetables for shipment at the location of harvest, rather than a person, firm, or corporation that only harvests, packages, washes, or ships raw fruits or vegetables.

SECTION 2. Effective date: September 1, 2012.