

BILL ANALYSIS

Senate Research Center
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H.B. 2107
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Health & Human Services
4/23/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised regarding the barriers farmers and small-scale food producers face due to uncertainty with regulatory compliance, such as when a local health jurisdiction refuses to answer questions on the applicability of a regulation or gives conflicting answers.

H.B. 2107 seeks to address these concerns by imposing on a local health jurisdiction certain requirements regarding the provision of requested information or a determination pertaining to food regulation.

The legislation is supported by the Farm and Ranch Freedom Alliance, the Sustainable Food Center in Austin, and thousands of producers and consumers of local goods throughout the state of Texas.

H.B. 2107 amends current law relating to information provided by a local health jurisdiction on food regulation.

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 the heading to Subchapter H, Chapter 438, Health and Safety Code, to read as follows:

SUBCHAPTER H. INFORMATION ON DEPARTMENT OR LOCAL HEALTH JURISDICTION FOOD REGULATION

SECTION 2. Amends Subchapter H, Chapter 438, Health and Safety Code, by adding Section 438.151, as follows:

Sec. 438.151. DEFINITION. Defines "local health jurisdiction" for purposes of this chapter (Public Health Measures Relating to Food).

SECTION 3. Amends Section 438.152, Health and Safety Code, as follows:

Sec. 438.152. REQUEST FOR INFORMATION. Requires the Department of State Health Services (DSHS) or a local health jurisdiction, unless otherwise prohibited by state or federal law, on receipt of a written request for information pertaining to the regulation of food under this subtitle (Food and Drug Health Regulations), to provide a reasonable and substantial response to the request not later than the 30th day after the date DSHS or the local health jurisdiction receives the request.

SECTION 4. Amends Section 438.153, Health and Safety Code, as follows:

Sec. 438.153. REQUEST FOR OFFICIAL DETERMINATION. (a) Makes conforming changes to this subsection.

(b) Provides that an official determination made under this section is valid until the regulation that is the subject of the determination is amended by statute, DSHS rule, or local health jurisdiction regulation, rather than that is the subject of the determination is amended by statute or DSHS rule.

SECTION 5. Makes application of this Act prospective to January 1, 2020.

SECTION 6. Effective date: September 1, 2019.