

BILL ANALYSIS

C.S.S.B. 1329
By: Nelson
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Two nationwide salmonella outbreaks in the last year involved Texas food manufacturing or distributing companies. Each year 36,000 lab-confirmed cases of salmonella infection in this country are attributed to contaminated produce. A loophole in the Texas Food, Drug, and Cosmetic Act that exempts fresh produce wholesalers from the Department of State Health Services' (DSHS) authority because they are not licensed through DSHS.

C.S.S.B. 1329 specifies that a person is not required to hold a license as a food manufacturer, food wholesaler, or warehouse operator in Texas if the person is a person, firm, or corporation that only harvests, packages, or washes raw fruits or vegetables for shipment at the location of harvest.

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. 1329 amends the Health and Safety Code to specify that a person is not required to hold a license as a food manufacturer, food wholesaler, or warehouse operator in Texas if the person is 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.

EFFECTIVE DATE

September 1, 2010.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 1329 removes provisions in the original relating to the authority of the executive commissioner of the Health and Human Services Commission to require a food manufacturer or food wholesaler to test certain products for pathogenic microorganisms or toxins injurious to human health, requiring a food manufacturer or food wholesaler in Texas to report results of products that test positive, and requiring the Department of State Health Services to maintain and revise as necessary the list of reportable food-borne pathogenic microorganisms or toxins. The substitute omits provisions in the original authorizing the commissioner to require testing for or reports of certain food-borne pathogenic microorganisms or toxins under certain circumstances and requiring the commissioner to issue appropriate instructions relating to complying with certain testing and reporting requirements.

C.S.S.B. 1329 removes provisions in the original that define "food manufacturer," "food wholesaler," and "public health disaster."

C.S.S.B. 1329 differs from the original by changing the effective date.

81R 36338

9.143.124