

# Texas Food Establishment Rules

COSM COMPLIANCE to Current Regulations and State Laws

# Texas Food Establishment Rules

Last updated October 1, 2015 with a goal to protect consumers from food borne illnesses by incorporating the most current methods and practices from a wide variety of experts at the national and state level.

# THE OBJECTIVE...

## Transitioning to New Code

- ▶ The State of Texas changed Texas Food Establishment Rules effective October 2015
- ▶ COSM has been operating in accordance with prior rules and has been transitioning to current legislative requirements

# THE OBJECTIVE...

## Transitioning to New Code

- ▶ Create local amendments to clarify vague language in state code
- ▶ Vendors must be educated
- ▶ Local amendments and variances can be used to help the code fit local business needs while still maintaining health and safety regulations

# Food Establishment Types

- ▶ Fixed food establishments
  - restaurants, retail food stores, and bars
- ▶ Mobile food units
  - food trucks, trailers, and push carts
- ▶ Temporary food establishments
  - single events, festivals, and celebrations
  - operates no more than 14 consecutive days

# Food Establishment Types

## ▶ Cottage Kitchens

- at home production of non-potentially hazardous foods such as breads, cakes, pastries, and canned jams or jellies

## ▶ Farmer's Markets

- a designated location used primarily for the distribution and sale of food directly to consumers by farmers and other producers

# COSM Current Permits

- ▶ Fixed Establishments = 382
- ▶ Mobile = 32
- ▶ Temporary 2017= 326
- ▶ Temporary 2018 to date= 351
- ▶ Cottage = Unknown - no permit is required
- ▶ Farmer's Markets = 12

# State Code & Local Code

## ▶ State code

- mandated by law: Health and Safety Code; Texas Administrative Code

## ▶ Local code

- can be more restrictive than state code, but not less restrictive
- modifications that achieve same results of state code can be addressed through variances (Ex: Dining with dogs)

# Solutions for Local Organizations

- ▶ Event Coordinator—Allows for 501c3s to obtain permits for participants
- ▶ Cottage Kitchen—Temp event with concessions for ware washing and food types
- ▶ Downtown Association—Third Thursday required adjustments for 501c3 permits, food manager for event

# Solutions for Local Organizations

- ▶ School District—Annual permit for school feeding program
- ▶ Cook Off Events—On the spot permitting, and 501c3 permits
- ▶ Sights and Sounds—Batch permitting and meetings with participants
- ▶ Dining with Dogs—variance for companion animals on outdoor patios

# THE APPROACH...

## Community Engagement Initiatives

- ▶ Multiple Stakeholder Meetings | December 2017 & January 2018
- ▶ Communications Press Release | January 2018
- ▶ City Website Updates | January 2018

# THE APPROACH...

## Community Engagement Initiatives

- ▶ Multiple Health Open Houses | February 2018
- ▶ Health & Community Committee | May 2018
  - Comprised of 17 community members/stakeholders
  - Solicit and review online comments/drafts
  - Proactively identify and address new requirement feasibility issues
  - FAQs on website

# Community Engagement Feedback

- ▶ Initial proposed fees were too high
- ▶ Concerns about certified food manager requirements
- ▶ Concerns about local produce being sold to restaurants
- ▶ Requirement for mobile food units to obtain a temporary permit

# Community Engagement Feedback

- ▶ Are mobile food units required to move each day
- ▶ Samples at cook off events
- ▶ Concerns regarding limiting the number of temporary events
- ▶ A process for annual permits related to non profit/government events

# Code Recommendations

Changes...Clarifications...Variances...Amendments

# Codes: Fixed Establishments

State	Local (Proposed)
Certified Food Manager is required	Clarification: One Certified Food Manager for each location
All food employees must complete a food handler training course within 60 days of hire	Amendment: Suggesting a 45 day time frame due to turn over of staff
Food handler certifications must be located on site	Amendment: Available upon request

# Codes: Mobile Food Units

State	Local (Proposed)
Must be readily moveable—no power, water, or wastewater connections	Variance: Allow electrical connection when in operation
Designated central prep facility and copy of last inspection report	Clarification: Provide clear definition/ identification process of this type of facility
Food Protection Manager Certification	Clarification: One per truck or location

# Codes: Mobile Food Units

State	Local (Proposed)
Food Handler for employees within 60 days	Amendment: 45 days and available
No restriction on vending from a public place	Clarification: Current restriction on vending in parks in separate code
Restrooms for employees conveniently located and accessible to employees during all hours of operation	No change

# Codes: Temporary Food Establishments

State	Local (Proposed)
Food not prepared on site or requiring extensive preparation must be prepared at a licensed food establishment	No change
May be required to have food handler	Amendment: Required for temp permits depending on food type

# Codes: Temporary Food Establishments

State	Local (Proposed)
May not operate more than 14 consecutive days in conjunction with single event or celebration	Amendment: Limit number of events per vendor/per year
No annual or long term permits	Variance: Create provisions for government, non profits and school programs

# Codes: Cottage Kitchen Industry

State	Local (Proposed)
No permit required	No change
Labeling of ingredients is required	No change
Food must be sold or given by the preparer	No change

# Codes: Farmer's Market

State	Local (Proposed)
Allows for permit for time temperature control for safety foods	Amendment: Classifications... A - prepackaged foods B - baked goods, bulk items, prepared samples C - full meal service
Food handler not stipulated	Amendment: Food handler for B, C

# Codes: Farmer's Market

State	Local (Proposed)
Hand and ware washing station not stipulated	Amendment: Treat as temp food permit
No requirements for self serve	Amendment: Does not allow unattended self serve

# Permit Fees

Permit	Current	Proposed	Notes
<b>Food Operation, Temp Food, and Other Fees:</b>			
Food Handler Training	\$15.00	Eliminate	Cannot offer local training
Choking Poster (Heimlich)	No Charge	Eliminate	No longer required by state code
Central prep facility registration(current health permit)	N/A	\$50.00	Covers registration and inspection

# Permit Fees

Permit	Current	Proposed	Notes
Stand alone commissary	N/A	\$507.00	Fixed Food Establishment
Annual temporary	N/A	None	Government, school districts, non profits
Expedited permit	N/A	\$50.00	For permits submitted < 7 days

# Permit Fees

Permit	Current	Proposed	Notes
Farmers Market A	N/A	\$101.50	Prepackaged foods
Farmers Market B	N/A	\$130.00	Baked goods, bulk items, samples
Farmers Market C	N/A	\$160.00	Full meal preparation
Change of Owner	N/A	\$101.50	Application and inspection

# Next Steps...

- ▶ Adopt local ordinance that references the state code...1<sup>st</sup> reading September 4th
- ▶ Develop outreach plan with Communications/Intergovernmental Relations department
- ▶ Complete online permitting process through [MyPermitNow.org](http://MyPermitNow.org)

# Next Steps...

- ▶ Complete online inspection process through [MyPermitNow.org](http://MyPermitNow.org)
- ▶ Develop inspection matrix for timing of inspections
- ▶ Provide Food Manager Certification training and testing locally