

HEALTH AND SAFETY CODE

TITLE 6. FOOD, DRUGS, ALCOHOL, AND HAZARDOUS SUBSTANCES

SUBTITLE A. FOOD AND DRUG HEALTH REGULATIONS

CHAPTER 437A. MOBILE FOOD SERVICE ESTABLISHMENTS OPERATING IN
CERTAIN COUNTIES IN MORE THAN ONE MUNICIPALITY

Sec. 437A.001. DEFINITIONS. In this chapter:

(1) "Food," "mobile food unit," and "roadside food vendor" have the meanings assigned by rules adopted under Chapter 437.

(2) "Mobile food service establishment" means one or more mobile food units or roadside food vendors operating from a single preparation facility under the managerial authority of a single permit or license holder.

Added by Acts 2023, 88th Leg., R.S., Ch. 845 (H.B. 2878), Sec. 1, eff. September 1, 2023.

Sec. 437A.002. APPLICABILITY. This chapter applies only to a county:

(1) with a population of more than 2.1 million; and

(2) in which is located partly or wholly:

(A) an airport operating under Subchapter D, Chapter 22, Transportation Code; and

(B) an airport owned by the principal municipality in the county that does not offer commercial air service.

Added by Acts 2023, 88th Leg., R.S., Ch. 845 (H.B. 2878), Sec. 1, eff. September 1, 2023.

Sec. 437A.003. COUNTY PERMIT REQUIRED.

(a) Notwithstanding any other law, a mobile food service establishment may not operate in a county to which this chapter applies unless the establishment obtains a permit from the county.

(b) A permit issued by a county under this chapter must authorize a mobile food service establishment to operate in any municipality located in the county.

(c) A permit issued by a county under this chapter is

considered a permit issued by a county under Chapter 437 for purposes of that chapter.

Added by Acts 2023, 88th Leg., R.S., Ch. 845 (H.B. 2878), Sec. 1, eff. September 1, 2023.

Sec. 437A.004. COUNTY RESPONSE TO PERMIT APPLICATION. A county shall approve or deny a mobile food service establishment's application for a permit to operate in the county not later than the third business day after the date the county receives the application and all information necessary for the county to consider the application.

Added by Acts 2023, 88th Leg., R.S., Ch. 845 (H.B. 2878), Sec. 1, eff. September 1, 2023.

Sec. 437A.005. REFUSAL TO ISSUE PERMIT. (a) A county may refuse to issue a permit for a mobile food service establishment to operate in the county if the establishment is not in good standing in another jurisdiction or if the county has previously imposed on the establishment a citation or fine that raises public health and safety concerns.

(b) If a county refuses to issue a permit authorizing a mobile food service establishment to operate in the county, the county shall provide the establishment with written notice regarding the basis for the county's refusal and advise the establishment of any remedial actions the establishment may take to become eligible for a permit.

Added by Acts 2023, 88th Leg., R.S., Ch. 845 (H.B. 2878), Sec. 1, eff. September 1, 2023.

Sec. 437A.006. INSPECTION BY COUNTY. (a) A mobile food service establishment is subject to periodic and unannounced inspections by the county that issues the permit to operate in the county under this chapter.

(b) A mobile food service establishment shall allow the county access to the establishment for an inspection.

(c) If an inspection by the county determines a mobile food service establishment committed a violation, the county may issue a

fine to the establishment or suspend the establishment's permit.

Added by Acts 2023, 88th Leg., R.S., Ch. 845 (H.B. [2878](#)), Sec. 1, eff. September 1, 2023.

Sec. 437A.007. PERMIT RENEWAL; NOTICE. A mobile food service establishment annually shall renew the establishment's permit under this chapter.

Added by Acts 2023, 88th Leg., R.S., Ch. 845 (H.B. [2878](#)), Sec. 1, eff. September 1, 2023.

Sec. 437A.008. RULES. The executive commissioner may adopt the rules necessary to implement this chapter.

Added by Acts 2023, 88th Leg., R.S., Ch. 845 (H.B. [2878](#)), Sec. 1, eff. September 1, 2023.