


SUBJECT: An ordinance amending Chapter 20 of the Code of Ordinances, Houston, Texas relating to food and drugs		Category #9	Page 1 of 2	Agenda Item #
FROM (Department or other point of origin): Houston Health Department		Origination Date 11/17/15	Agenda Date	
DIRECTOR'S SIGNATURE: 		Council District affected: All		
For additional information contact: Kathy Barton Telephone: 832-393-5045; 713-826-5801		Date and identification of prior authorizing Council action: 2007-1051, 9/12/07		
RECOMMENDATION: (Summary) Approval of an ordinance amending Chapter 20 of the Code of Ordinances, Houston, Texas relating to food and drugs				
Amount of Funding: N/A			Finance Department:	
SOURCE OF FUNDING: <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify) –				
SPECIFIC EXPLANATION: The Houston Health Department requests City Council approval of an ordinance amending Chapter 20 of the Code of Ordinances, Houston, Texas relating to food and drugs. The ordinance revisions update the City's food establishment regulations consistent with the 2013 Food and Drug Administration (FDA) Food Code and the 2015 State of Texas Food Establishment Rules. These modifications were developed through several stakeholder meetings. The major changes incorporated into the ordinance from the 2013 FDA Food Code include:				
<ul style="list-style-type: none"> • Time/Temperature Controlled for Safety (TCS) food requiring refrigeration for safety allowed to be held at ambient temperature for two additional hours, extending the Time without temperature control for cold holding from 4 hours to 6 hours provided that TCS food does not exceed 70 °F. • The use of the specialized processing method reduced oxygen packaging (ROP) without a variance must control the growth of Clostridium botulinum and Listeria in TCS food in the sealed package. • No variance is required for reduced oxygen packaging of TCS food using two barriers for the control of the growth of Clostridium botulinum and Listeria in TCS food in the sealed package. • No variance and no Hazard Analysis Critical Control Point (HACCP) plan is need for reduced oxygen packaging and storage of TCS food if refrigerated at 41°F or less and is 1) removed from the package within 48 hours; or 2) the package is opened to expose product to atmospheric oxygen within 48 hours. • Raw vegetables with competing organisms are added as a barrier that will control the growth of Clostridium botulinum and Listeria in TCS ROP food in the sealed package. 				
REQUIRED AUTHORIZATION				
Finance Department	Other Authorization:		Other Authorization:	

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- Shelf life of vacuumed packaged food utilizing two barriers to control the growth of Clostridium botulinum and Listeria in TCS food is extended from 14 days to 30 days.
- Requirement to wear gloves while packaging food using the ROP method only applies to ready-to-eat food.
- Added requirements for Cook Chill and Sous Vide, include:
 1. HACCP plan submitted to regulatory authority before implementation.
 2. Cook Chill/Sous Vide products **cannot** be distributed to another business entity or consumer.
 3. Placed in bag with an oxygen barrier and sealed.
 4. Cooled in sealed bag to 41°F within 6 hours; then cooled from 41°F to 34°F within 48 hours and held until discarded within 30 days; or held at 41 °F for no more than 7 days.
 5. Held under refrigeration using an electronic system that continuously monitors and records time and temperature.
 6. Labeled with product name and date.
 7. Maintains records that time/temperature requirements for the cooling parameters.
 8. Records are kept for at least 6 months and made available to department upon request.
 9. Written operational procedures and training program must be implemented.

Major changes incorporated into the ordinance from the TEFR include:

- Food handler (FH) certification required for all food employees (Excluding the FSMC and temporary food establishments).
- Allergens: added new requirement for food labeling on packaged food that the source for each major food allergen to be included in the ingredients unless the food source is already part of the common name, and demonstration of knowledge by FSMC and FH concerning foods identified as major food allergens and the symptoms that a major food allergen could cause in a sensitive individual who has an allergic reaction.
- Terminology change from Potentially Hazardous Food (PHF) to Time/Temperature Controlled for Safety TCS food.
- Added certain fish to be safe for consumption in raw form (aquaculture).

Other changes include:

Fees: Special Investigative Fees added for temporary food service applications not received at least 7 days before the event.

Food Service Manager's Certification Course: made course available online.

Duration of the Course: removed requirement that the course be 15 hours in length and conducted at an appropriate length of time to cover course material.

cc: Finance Department
 Legal Department
 Agenda Director