



CITY OF HOUSTON - CITY COUNCIL

Meeting Date:

ALL

Item Creation Date: 8/20/2025

HHD – Chapter 20 Amendments - Food and Drug

Agenda Item#:

Summary:

AN ORDINANCE AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO FOOD AND DRUGS; CREATING A FEE; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

Background:

The Director of the Houston Health Department (HHD) requests City Council approval of an ordinance amending Chapter 20 of the Houston Code of Ordinances relating to food and drugs. The proposed amendments are requested in order to comply with Senate Bill 1008 which passed during the 89th Texas Legislature and to update other provisions that are obsolete or need revisions.

Senate Bill 1008 requires local jurisdictions to align their food safety regulations with the Texas Food Establishment Rules (TEFR) and the Food and Drug Administration (FDA) Model Food Code. It also requires local jurisdictions to align their permit fees and fee structure with the State's fee structure risk-based framework. HHD currently uses an employee-based model.

The key components of the Chapter 20 amendments are the following:

- **Ordinance Repeal and Revision:** All local provisions that are duplicative, inconsistent, or more restrictive than state law will be repealed. Only administrative and enforcement mechanisms authorized under state law will remain.
- **Administrative Modernization:** The ordinance update will include revisions to ensure consistent terminology, definitions, risk classifications, and procedures aligned with the FDA and TFER framework.

The changes to permit fees and structure are as follows:

- **Food Dealer Permits:** The current employee-tiered fee structure (ranging from \$291.36 to \$1,059.51 based on the number of people employed at the food establishment) will be eliminated. Moving forward, permit fees will be assigned based on risk classification:
 - Low Risk: \$258
 - Medium Risk: \$515
 - High Risk: \$773
 - All nonprofit permits will be removed as required by the new law.
- **Food Service Manager Certifications:** All related fees (initial certification, renewals, replacement cards, and administrative/technology fees) will be eliminated.
- **Mobile Food Units:** The Electronic Monitoring System fee (\$264.88) and several administrative fees will be eliminated. The medallion fee will be reduced from \$708.54 to a flat \$258.
- **Special Food Permits:**
 - Frozen dessert permits (annual and prorated), including nonprofit variations, will be eliminated.
 - Temporary food dealer permits will be reduced significantly:
 - 10+ consecutive day permit will drop from \$794.63 to \$104.
 - Per-day permit (\$79.45) will be replaced with a flat \$52 permit valid for 14 days.
- **Other Permit Eliminations:** Farm produce peddler licenses and state reciprocal manager certificate applications will also be discontinued.

Additionally, in accordance with Texas Health and Safety Code §437.0065(c)(2), local public health authorities are authorized to establish a specific permit for vendors operating at farmers markets, separate from general food establishment permits. To support compliance with this statute and ensure appropriate oversight of direct-to-consumer food sales at local markets, we respectfully recommend the creation of a Farmers Market Vendor Permit. The fee is \$100.

These amendments were presented to the Quality of Life Committee on August 18, 2025.

HHD requests that City Council approve the proposed amendments to Chapter 20 of the Houston Code of Ordinances. These amendments enhance the City's ability to effectively regulate food and drug operations within the City.

Fiscal Note:

No Fiscal note is required.

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