

Chapter 896

H.B. No. 3227

AN ACT

relating to the administration and enforcement of produce safety standards by the Department of Agriculture; authorizing an administrative penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 12.020(c), Agriculture Code, is amended to read as follows:

(c) The provisions of law subject to this section and the applicable penalty amounts are as follows:

Provision	Amount of Penalty
Chapters 13, 14A, 17, 18, 19, 41, 46, 61, 72, 73, 74, 76, 94, 95, 101, 102, 103, 125, 132, and 134	not more than \$5,000
Subchapters A, B, and C, Chapter 71	not more than \$5,000
Chapter 14	not more than \$10,000
Chapter 1951, Occupations Code	not more than \$5,000
Chapter 153, Natural Resources Code	not more than \$5,000
<u>Section 91.009</u>	<u>not more than \$5,000.</u>

SECTION 2. Section 91.009, Agriculture Code, is amended to read as follows:

Sec. 91.009. COORDINATION OF PRODUCE [~~FOOD~~] SAFETY. (a) The department is the lead agency for the administration, implementation, and enforcement of, and education and training relating to, the United States Food and Drug Administration Standards for the Growing, Harvesting, Packing, and Holding of

1 Produce for Human Consumption (21 C.F.R. Part 112) or any successor  
2 federal produce safety rule or standard.

3 (a-1) The department [~~and~~] shall assist the fresh fruit and  
4 vegetable industries with produce [~~food~~] safety issues and may  
5 provide assistance to federal agencies in their implementation of  
6 [~~voluntary~~] guidelines relating to sound agricultural practices.

7 (b) The department shall coordinate and[~~r~~] plan[~~r~~—~~and~~  
8 ~~approve~~] training and awareness programs for producers and packers  
9 of fresh fruits and vegetables. A program under this subsection  
10 must inform and educate producers and packers regarding:

- 11 (1) sound agricultural practices;
- 12 (2) proper produce [~~food~~] handling procedures;
- 13 (3) the prevention of accidental or deliberately  
14 planned outbreaks of disease; and
- 15 (4) the enhancement of overall produce [~~food~~] safety.


16 (c) The department shall coordinate the planning and  
17 implementation of programs required by Subsection (b) with:

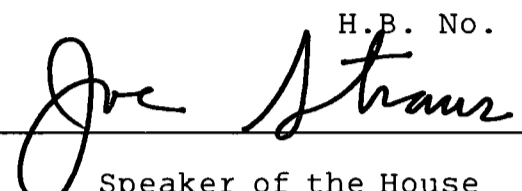
- 18 (1) colleges and universities in this state;
- 19 (2) the Texas A&M AgriLife Extension Service;
- 20 (3) Texas A&M AgriLife Research;
- 21 (4) the Department of State Health Services; [~~and~~]
- 22 (5) private industry; and
- 23 (6) nongovernmental organizations.

24 (c-1) The department may enter into a cooperative  
25 agreement, interagency agreement, grant agreement, or memorandum  
26 of understanding with a federal or state agency for the  
27 administration, implementation, or enforcement of this section.

1           (d) The department may adopt rules to administer,  
2 implement, and enforce this section. In the development of rules  
3 under this section [~~for the certification of approved food safety~~  
4 ~~curriculum or training~~], the department may consider relevant  
5 state, federal, or national standards and may [~~shall~~] consult [~~and~~  
6 ~~coordinate~~] with federal or state agencies [~~the Department of State~~  
7 ~~Health Services~~].

8           SECTION 3. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2017.

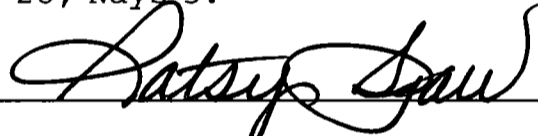
  
\_\_\_\_\_  
President of the Senate

H.B. No. 3227  
  
\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 3227 was passed by the House on May 6, 2017, by the following vote: Yeas 118, Nays 26, 2 present, not voting.

  
\_\_\_\_\_  
Chief Clerk of the House


I certify that H.B. No. 3227 was passed by the Senate on May 19, 2017, by the following vote: Yeas 26, Nays 5.

  
\_\_\_\_\_  
Secretary of the Senate

APPROVED: 6-12-2017  
Date

  
\_\_\_\_\_  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
3:00 PM O'CLOCK

JUN 15 2017  
  
\_\_\_\_\_  
Secretary of State

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 10, 2017**

**TO:** Honorable Charles Perry, Chair, Senate Committee on Agriculture, Water & Rural Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB3227** by King, Tracy O. (Relating to the administration and enforcement of produce safety standards by the Department of Agriculture; authorizing an administrative penalty.), **As Engrossed**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend Texas Agriculture Code, Section 91.009 to establish the Texas Department of Agriculture (TDA) as the lead agency for the administration, implementation, and enforcement of the United States Food and Drug Administration Standards for the Growing, Harvesting, packing, and Holding of Produce for Human Consumption or any successor federal produce safety rule or standard, and to instruct TDA to assist the fresh fruit and vegetable industries with produce safety issues. The bill would remove TDA's ability to provide assistance to federal agencies in their implementation of voluntary guidelines and TDA's ability to approve training and awareness programs for producers and packers of fresh fruits and vegetables, while still requiring TDA to coordinate and plan such programs. The bill would require that these programs inform and educate producers and packers regarding proper produce handling procedures and the enhancement of overall produce safety. The bill would require TDA to coordinate the planning and implementation of these programs with nongovernmental organizations as well as other entities. The bill would allow TDA to enter into a cooperative agreement, interagency agreement, grant agreement, or memorandum of understanding with a federal or state agency, as well as adopt rules to administer, implement, and/or enforce the agency's produce safety activities. In developing these rules, TDA would be allowed to consider relevant state, federal, or national standards and may consult with federal or state agencies; the agency would no longer be required to consult and coordinate with the Department of State Health Services.

The bill would amend Texas Agriculture Code, Section 12.020(c) to set a maximum penalty for enforcement of TDA's produce safety activities of not more than \$5,000.

TDA has been awarded a 5-year cooperative agreement from U.S. Food and Drug Administration that is anticipated by the agency to cover all administration, implementation, and enforcement activities, including the funds necessary to hire required personnel.

The Department of State Health Services, Texas A&M AgriLife Extension Service, and Texas A&M AgriLife Research, which are all required to coordinate with TDA on the implementation of the produce safety activities, indicate that duties and responsibilities associated with implementing the provisions of the bill could be accomplished utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 537 State Health Services, Department of, 551 Department of Agriculture,  
555 Texas A&M AgriLife Extension Service, 556 Texas A&M AgriLife  
Research

**LBB Staff:** UP, SZ, MW, MSO, RD

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 11, 2017**

**TO:** Honorable Tracy O. King, Chair, House Committee on Agriculture & Livestock

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** HB3227 by King, Tracy O. (Relating to the administration and enforcement of produce safety standards by the Department of Agriculture; authorizing an administrative penalty.), **As Introduced**

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