



Recommendation for Action

File #: 23-3484, **Agenda Item #:** 57.

12/14/2023

Posting Language

Approve an ordinance amending City Code Chapter 10-3 (Food and Food Handlers) relating to food managers to ensure consistency with Senate Bill 577, adopted during the 88th Regular Session of the Texas Legislature.

Lead Department

Austin Public Health.

Fiscal Note

This item will result in unrealized revenue in the General Fund by an estimated amount of \$110,000.

For More Information:

Adrienne Sturup, APH Director, 512-972-5167; Marcel Elizondo, Division Chief, APH Environmental Health Services Division, 512-978-0308; Todd Mers, Program Manager II, APH Environmental Health Services Division, 512-978-0358; Andrew Thompson, Program Manager II, APH Environmental Health Services Division, 512-978-0325; Juanita Jackson, Business Process Consultant, APH, 512-972-6163.

Additional Backup Information:

The proposed amendments will align the City Code to the requirement of Senate Bill 577 passed during the Texas 88th Legislature prohibiting municipalities from charging a fee for the issuance of a food manager certificate.

APH recommends the following changes:

- **City Code Chapter 10-3-1(6)** Updated definition for “person in charge.”
- **City Code Title 2** Modified header to reflect the updated term “Certified Food Protection Manager.”
- **City Code Chapter 10-3-31** Modified header language and requires a person in charge, as opposed to an employee, to have an original certified food protection manager certificate issued by a state-accredited program. Added exemption for Category 1 and 2 charitable feeding organizations from the requirement that a person in charge hold a valid certified food protection manager certificate. Replaced reference to “food manager certificate” with “certified food protection manager certificate.”
- **City Code Chapter 10-3-32** Repealed.
- **City Code Chapter 10-3-33** Repealed.
- **City Code Chapter 10-3-34** Added clarification that a food handler is not required for a Category 1 charitable feeding organization.
- **City Code Chapter 10-3-91(A)(9)** Eliminated reference to “City of Austin” and updated reference to “Certified Food Protection Manager Certificate.”
- **City Code Chapter 10-3-98(D)(4)** Clarified fact that at least one employee or volunteer of a farmers market vendor shall hold a certified food protection manager certificate as opposed to being a registered food manager, updated reference to a certified food protection manager certificate, and eliminated reference to “City of Austin.”
- **City Code Chapter 10-3-211** Repealed sections (A) and (B) that reference offenses related to falsified applications for food manager certificates and food handler registrations, as well as improper use of food manager certificates and food handler registrations.

