

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~~[7]~~ plan~~[7]~~~~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

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: _____

Date

Governor