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Karnes City High School

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Senate Author
Kaylee Dement

House Committee
Economic Development

House Authors
Emely Schulte
Trinity Ramos
Cole Vega

Lobbyist
McKenzie Gonzales

Journalist
Leyla Tatar

Food Truck Freedom Act

HB 11 – SB 21

Bill Analysis

BACKGROUND & PURPOSE

Mobile food vendors in Texas face a patchwork of inconsistent permitting requirements and bureaucratic hurdles that vary widely from one jurisdiction to another. Even neighboring cities like Karnes City and Kenedy, just a short drive apart, impose significantly different permitting requirements for mobile vendors.

These inconsistent requirements create substantial barriers to entry and duplicative costs for entrepreneurs, many of whom are small business owners and hardworking Texans striving to earn a living through their mobile food operations.

The Food Truck Freedom Act (HB 11/SB 21) creates a uniform statewide licensing system for mobile food vendors, allowing licensed vendors to operate in any municipality, county, or other political subdivision while complying with applicable state and local laws governing health, safety, zoning, and location restrictions.

The bill authorizes the Texas Department of State Health Services (DSHS), or a local authority operating under a collaborative agreement with DSHS, to conduct standardized health inspections.

The legislation also establishes food safety risk classifications based on the types of food vendors prepare and sell, ensuring that inspection requirements reflect the potential health risks associated with different operations.

Additionally, the bill establishes procedures for license applications, renewals, investigations, penalties, and emergency suspensions when vendors fail to comply with applicable health and safety requirements.

By eliminating duplicative local permitting requirements while maintaining strong food safety protections, (HB 11/SB 21) seeks to reduce unnecessary government regulations, encourage small business growth, and create greater consistency for mobile food vendors throughout Texas.

The bill amends current law relating to the regulation, licensing, and inspection of mobile food vendors and certain small-scale food businesses

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RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Sections 437B.004 and 437B.151, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 437, Health and Safety Code, by adding Section 437.0063, as follows:

Sec. 437.0063. SMALL-SCALE FOOD BUSINESS PERMIT EXEMPTIONS.

(a) Defines "food producer" and "small-scale food business."

(b) Prohibits a county, municipality, or public health district from requiring a small-scale food business or its employees to obtain an additional local permit or pay a local permitting fee to operate certain food establishments at a location where the business already holds an applicable DSHS permit or food manufacturer license.

(c) Preempts local regulations that conflict with this section.

SECTION 2. Amends Subtitle A, Title 6, Health and Safety Code, by adding Chapter 437B, as follows:

CHAPTER 437B. MOBILE FOOD VENDORS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 437B.001. DEFINITIONS.

Defines "applicant," "food vending vehicle," "license holder," "local authority," "mobile food vendor," and "prepackaged food."

Sec. 437B.002. CONSTRUCTION OF CHAPTER.

Provides that local authorities are not required to enter into collaborative agreements with DSHS, establish mobile food vendor regulatory programs, or modify existing programs unless their regulations conflict with this chapter.

Sec. 437B.003. LOCAL PREEMPTION.

Preempts local regulations that prohibit or regulate mobile food vendors in a manner that conflicts with this chapter.



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Sec. 437B.004. RULES.

Authorizes the executive commissioner to adopt rules implementing this chapter.

Requires rules to be narrowly tailored to address demonstrable health or safety risks and prohibits certain restrictions, including limits on the number of licenses issued, restrictions on hours of operation, and propane capacity limits below those otherwise allowed for commercial vehicles.

SUBCHAPTER B. LICENSE

Sec. 437B.051. LICENSE REQUIRED.

Requires mobile food vendors to obtain a license from DSHS before operating in Texas.

Requires a separate license for each food vending vehicle.

Prohibits local authorities from preventing licensed vendors from operating when they comply with applicable state and local laws that do not conflict with this chapter.

Sec. 437B.052. FORM OF APPLICATION.

Requires DSHS to develop a written mobile food vendor license application and make it available in person and online.

Sec. 437B.053. APPLICATION REQUIREMENTS.

Establishes application requirements, including required information and applicant attestations.

Allows applicants to submit one application covering multiple food vending vehicles.

Prohibits intentionally providing false information or omitting required information.

Sec. 437B.054. HEALTH INSPECTION.

Requires DSHS or an authorized governmental entity to inspect each food vending vehicle within 14 days after receiving a complete license application.

Prohibits DSHS from issuing a license to a vehicle that fails inspection.

Requires inspections to verify compliance with applicable food safety

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laws and regulations.

Sec. 437B.055. ISSUANCE OF LICENSE.

Requires DSHS to issue a license to applicants who submit complete applications, pay applicable fees, meet licensing requirements, and pass required health inspections.

Provides that licenses are valid for one year.

Sec. 437B.056. LICENSE RENEWAL.

Requires DSHS to notify vendors before their licenses expire.

Allows vendors to continue operating while a timely submitted renewal application is pending.

Sec. 437B.057. LICENSE NOT TRANSFERABLE; SUBSTITUTION OF VEHICLE.

Provides that licenses are not transferable between individuals or businesses.

Allows vendors to replace a licensed vehicle without obtaining an entirely new license, provided the replacement vehicle meets application and inspection requirements.

Sec. 437B.058. FEES.

Authorizes DSHS to charge application, licensing, renewal, and inspection fees.

Requires fees to reflect the costs of administering the program and conducting inspections.

Sec. 437B.059. MOBILE FOOD VENDOR GUIDE.

Requires DSHS to publish a guide explaining licensing, renewal, inspection, and compliance requirements.

Sec. 437B.060. DEPARTMENT DATABASE.

Requires DSHS to establish and maintain a statewide database of mobile food vendors for use by the department and local authorities.

Allows vendors to submit information about their planned operating locations.

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SUBCHAPTER C. MOBILE FOOD VENDOR OPERATIONS

Sec. 437B.101. COMPLIANCE WITH STATE AND LOCAL LAW.

Requires mobile food vendors to comply with applicable state and local laws, including fire codes, zoning requirements, and location restrictions.

Sec. 437B.102. FOOD VENDING VEHICLE DRIVER REQUIREMENTS.

Requires drivers of motorized food vending vehicles to hold a commercial driver's license when required for the vehicle's classification.

Sec. 437B.103. OPERATIONAL STANDARDS.

Requires vendors to pass applicable health inspections and prominently display their licenses and inspection certificates.

Sec. 437B.104. FOOD SAFETY.

Requires vendors to comply with applicable food safety laws and certification requirements.

SUBCHAPTER D. HEALTH INSPECTIONS

Sec. 437B.151. MOBILE FOOD VENDOR CLASSIFICATIONS.

Requires the executive commissioner to establish three mobile food vendor classifications based on food safety risk:

Type I: Vendors selling prepackaged foods or other low-risk products.

Type II: Vendors selling foods requiring limited handling and preparation.

Type III: Vendors preparing, cooking, holding, and serving food directly from food vending vehicles.

Requires rules specifying the types of foods and beverages permitted under each classification.

Sec. 437B.152. CHANGING CLASSIFICATIONS.

Requires vendors to notify DSHS when changing the types of foods or beverages they sell in a manner that may affect their classification.

Authorizes additional inspections and reclassification when necessary.

Sec. 437B.153. INSPECTIONS; COLLABORATIVE AGREEMENT

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WITH LOCAL AUTHORITY.

Requires ongoing randomized health inspections based on vendor classification and previous inspection results.

Authorizes DSHS to enter into collaborative agreements with local authorities to conduct inspections.

Requires DSHS to reimburse participating local authorities for inspection costs using collected inspection fees.

Sec. 437B.154. NOTICE OF LOCATION FOR INSPECTIONS.

Requires vendors to make information about their intended operating locations available to DSHS.

Allows vendors to provide this information through social media, websites, or department-prescribed reporting methods.

Sec. 437B.155. REIMBURSEMENT OF INSPECTION FEE.

Requires DSHS to reimburse vendors for inspection fees associated with required inspections that were not conducted during the license period.

Requires reimbursement within 30 days after receiving a qualifying request.

SUBCHAPTER E. INVESTIGATION; ENFORCEMENT

Sec. 437B.201. INVESTIGATION.

Authorizes DSHS or local authorities to investigate suspected violations or health and safety complaints.

Requires vendors to cooperate with investigations.

Allows local authorities to report violations and recommend license suspension or revocation.

Sec. 437B.202. LICENSE DENIAL, SUSPENSION, OR REVOCATION.

Establishes the circumstances under which DSHS may deny, suspend, or revoke a mobile food vendor license.

Sec. 437B.203. NOTICE AND HEARING.

Requires DSHS to provide written notice of license denial, suspension, or

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revocation.

Allows affected vendors to request an administrative hearing within 14 calendar days.

Requires qualifying contested cases to be referred to the State Office of Administrative Hearings.

Sec. 437B.204. EMERGENCY SUSPENSION.

Authorizes DSHS to immediately suspend a vendor's license when operations pose an imminent threat to public health or safety.

Establishes procedures for preliminary hearings and requires a final hearing within 61 days after the emergency suspension.

Sec. 437B.2045. RIGHT TO APPEAL.

Provides that license suspension and revocation appeals are governed by applicable administrative hearing procedures under Chapter 2001, Government Code.

Sec. 437B.205. ADMINISTRATIVE PENALTY.

Authorizes administrative penalties against vendors who continue operating after their licenses have been suspended or revoked.

ADDITIONAL PROVISIONS

SECTION 3.

Amends Section 437.0055(a), Health and Safety Code, to remove existing language concerning DSHS permits for mobile food units operating in areas without local permitting or inspection requirements.

SECTION 4.

Repeals Section 437A.003, Health and Safety Code, relating to county permit requirements.

SECTION 5.

(a) Provides that the new mobile food vendor regulations apply to local ordinances, rules, regulations, policies, and procedures adopted before, on, or after the effective date.

(b) Requires the executive commissioner to adopt implementing rules no later than May 1, 2027.

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(c) Provides that mobile food vendors are not required to hold a license under the new statewide licensing system before December 31, 2027.

EFFECTIVE DATE

December 31, 2027, except for Section 437B.004, Health and Safety Code, which takes effect December 31, 2026.

The executive commissioner must adopt implementing rules by May 1, 2027, and statewide licensing requirements begin December 31, 2027