

WILLIAMSON COUNTY

RETAIL FOOD ORDER

2023 REVIEW DRAFTED UPDATES



ENVIRONMENTAL HEALTH DIVISION
WILLIAMSON COUNTY AND CITIES
HEALTH DISTRICT



AGENDA

- INTRODUCTION
- PURPOSE and GOAL
- RETAIL FOOD ORDER UPDATE
- QUESTIONS





PURPOSE

- Improve Communication
- Create Accessibility
- Engage Businesses
- Protect Community
- Share Food Safety Information
- Identify Easy Fixes



GOAL

- Modernize the 2016 Retail Food Order





WCCHD MISSION & VISION

In partnership with communities, WCCHD will promote and protect the health of the people of Williamson County.

Our shared vision is for WCCHD to lead Williamson County to be the healthiest county in Texas.

We are:

- The recognized authority for unified health initiatives
- Fully integrated and aligned with the communities we serve
- The trusted countywide public health resource
- A coalition builder
- A strategic and data-driven agency

80 YEARS AS WILCO PUBLIC HEALTH AGENCY

1943-1989:

WILLIAMSON COUNTY
HEALTH DEPARTMENT

1990:

ESTABLISHED AS A
HEALTH DISTRICT



WCCHD SERVICES

Clinical Services

- Vaccinations
- STD Screening & Treatment
- Well woman care
- Tuberculosis (TB) Care

Program Eligibility & Social Services

County Indigent Healthcare Program

- Eligibility Screening
- Billing & Administration

Epidemiology and Emergency Preparedness

- Disease Surveillance/ Investigation
- Emergency Preparedness/Response
- Integrated Vector Management
- Medical Reserve Corps Volunteers

WIC & Community Nutrition

- WIC Benefits
- Breastfeeding Support
- Nutrition Education

WCCHD SERVICES

Marketing & Community Engagement

- County health coalition
- Outreach events
- Public information
- Program marketing
- Web & social media

Human Resources

- Employee recruitment
- Employee support
- Recognition events
- Workforce Development

Administration & Finance

- Procurement
- Payroll
- Budget and Accounting
- Grants Management
- Compliance

Executive Leadership

- Performance management
- Strategic planning
- Data management
- Quality Improvement
- Grant development

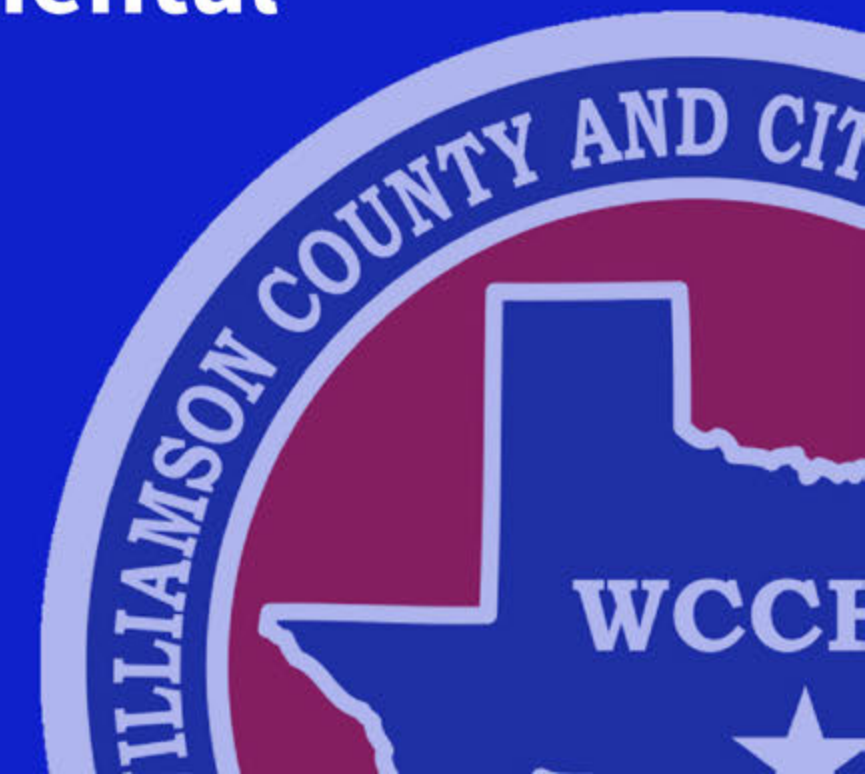
ENVIRONMENTAL HEALTH DIVISION



Dedicated to preventing illnesses due to environmentally-related diseases and injuries.



Monitors and investigates public health environmental problems and serve as a community resource to educate people about public health.



WHAT WE DO AND WHY



PERMITS



INSPECTIONS



COMPLAINT INVESTIGATIONS

GOVERNING LAWS

- Cooperative Agreement
- Retail Food Order
- TX Health & Safety Code
CH 341, 343, 437
- TX Administrative Code
CH 228, 229
- FDA Food Code



RETAIL FOOD PROGRAM

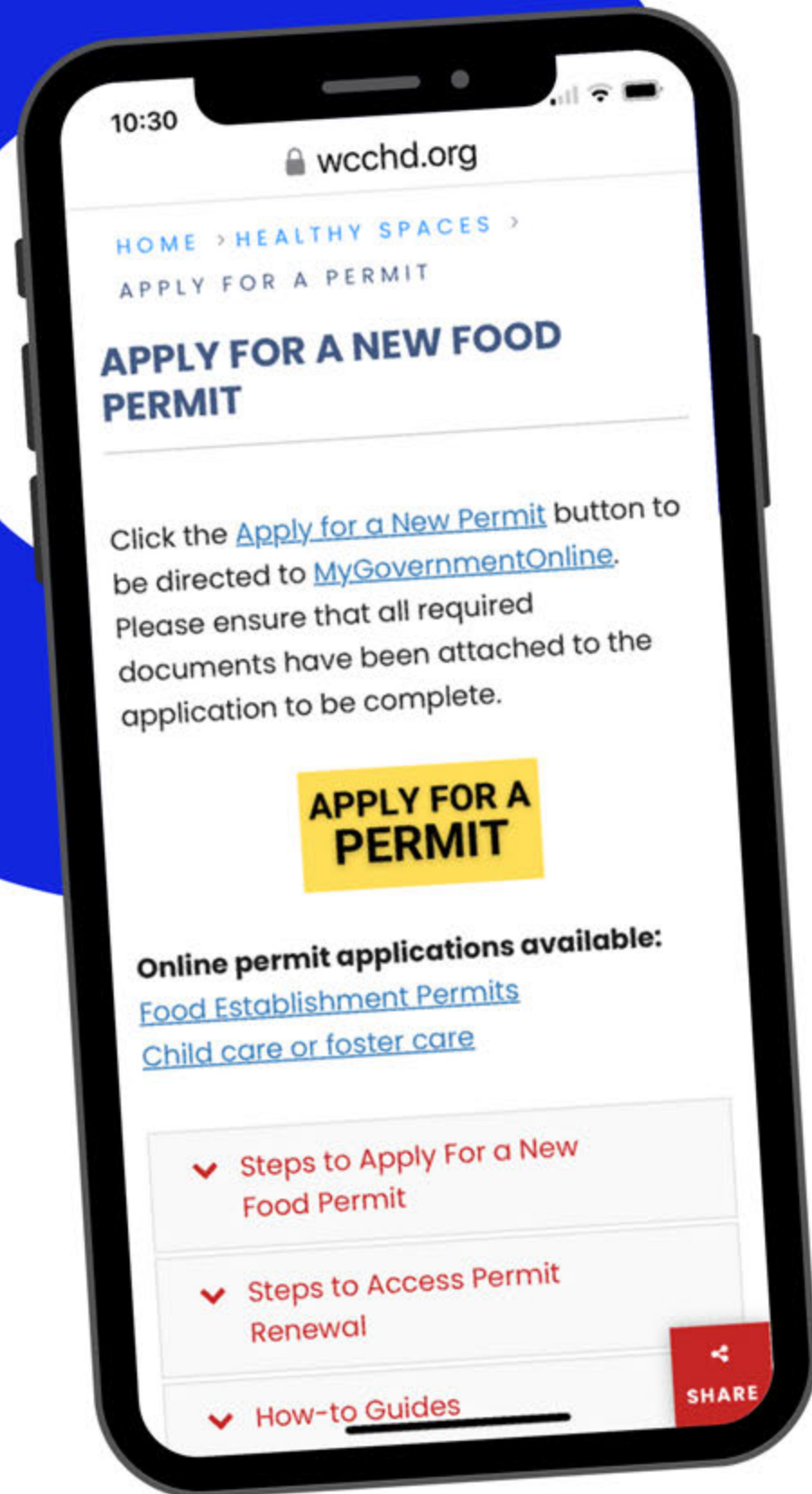
Retail food establishments, unless specifically exempted, must be permitted and inspected. Food establishments include:

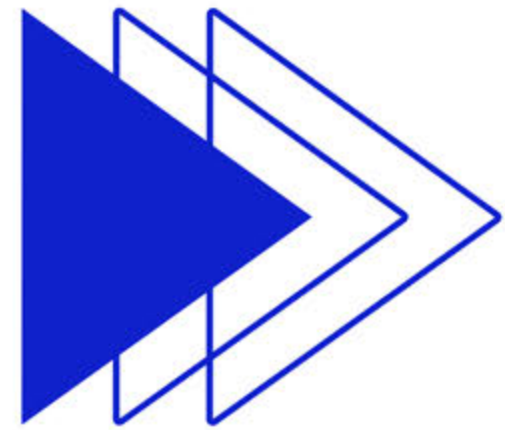
- restaurants
- convenience stores
- mobile food units
- temporary food booths
- food service within childcare facilities
- schools
- hospitals
- *any entity that sells or gives away food*



DID YOU KNOW?

- Permit application can be done online
- After receiving a city construction permit approval, you'll still need to get a health permit from the Health District
- Apply for both permits at the same time
- Pre-opening plan review process takes 10 business days
- It's important that public events (like festivals) obtain a temporary permit





NEXT: RETAIL FOOD ORDER UPDATES

RETAIL FOOD ORDER



RETAIL FOOD ORDER UPDATE

The Retail Food Order serves as WCCHD's guiding rules for Environmental Health on food service in Williamson County.

The 2023 update will provide an opportunity for better communication.

of the Texas Health and Safety Code, counties and public health to enforce state law and rules concerning food service stores, mobile food units, and roadside food vendors. The Cities Health District is the regulatory authority for food in its jurisdiction.

by the Williamson County and Cities Health District following definitions, requirements, and rules are adopted within the jurisdiction of the Williamson County (WCCHD):

State Law and Rules and Definitions

the provisions of Texas Health and Safety Code, Chapter 437 districts and the current rules or rules as adopted, amended, from time-to-time, by The Executive Commissioner of the Commission found in 25 Texas Administrative Code, Chapter of food establishments in the jurisdiction of the WCCHD, 25 Texas Administrative Code, Chapter 229, Subchapter K, and managers.

"employee" means the employees of the WCCHD.

"Food Manager" means an individual who conducts, manages, or supervises food service and who holds a valid and current food manager certificate or certificate of completion approved by the Texas Department of State Health Services, meeting the requirements of Texas Health and Safety Code, Chapter 438, Subchapter K, Section 229.176 (relating to Certification of Food Managers).

"Food establishment" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption as follows:

- (1) a restaurant, retail food store, satellite or catered feeding location, catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people, market, vending location, (machine), self-service food market, conveyance



RETAIL FOOD ORDER UPDATE SUMMARY

- Adopts the FDA Food Code and update statute and regulation references
- Grammar corrections and specifications
- Definitions (source: FDA 2022 Food Code)
- Provides process to exempt nonprofit organizations
- Changes application process from written paper to online
- Adds new requirement for businesses to report when sold/closed



RETAIL FOOD ORDER UPDATE SUMMARY

- Removes Food Handler training class provision
- Outlines requirements for application and plan review
- Includes new rule (a certified food protection manager shall be present at the food establishment during all hours of operation as required in FDA Food Code, §2-101.11 and §2-102.12.)
- Reduces time for appeal request from 20 to 5 days



ADOPTS THE FDA FOOD CODE

“...WCCHD adopts by reference the provisions of the **FDA Food Code**] ... [by The Executive Commissioner of the Health and Human Services Commission found in 25 Texas Administrative Code, Chapter 228 and 229.”

Source: Introduction





UPDATES STATUTE AND REGULATION REFERENCES

These changes reflect and streamline updates in Texas Health and Safety Code references:

- **341 (public nuisance)**
 - **437 (food)**
 - **438 (food factory – unpackaged food and cleanliness)**
- 



DEFINES FOOD

Change defines "food" in the Retail Food Order:

"*Food* means a raw, cooked, or processed **edible substance**, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum."

- Definition obtained from FDA Food Code

Source: Section 1





WHAT IS A FOOD ESTABLISHMENT

Change simplifies the full definition of a food establishment:

“Food service establishments include restaurants, cafeterias, retail food stores, mobile food units, farmers markets, temporary events, self-service markets, bed and breakfast food establishments, food competitions for public consumption, and roadside food vendors.”

Source: Introduction





DEFINES FOOD ESTABLISHMENT

Change adds the full definition of food establishment:

*“Food establishment means an operation that **stores, prepares, packages, serves, or vends food directly to the consumer,**...[and an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location and where consumption is on or off the premises **regardless of if there is a charge for the food.**”*

Source: Section 1





EXAMPLES & EXCLUSIONS FOOD ESTABLISHMENT

“**Examples** of food establishment include but are not limited to a restaurant, cafeteria, retail food store, satellite or catered feeding location, catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people, market, vending machine location, self-service market, conveyance used to transport people, institution, food bank, mobile food unit, farmers market, temporary event, bed and breakfast food establishment, food competition for public consumption, and roadside food vendor.

Source: Section 1





EXAMPLES & EXCLUSIONS FOOD ESTABLISHMENT

“Food establishment **does not include those that:**

- offer only prepackaged foods that are not time and temperature control
- produce stand that only offers whole uncut fresh fruits and vegetables
- food processing plant (including one that is located on the premises of a food establishment)
- cottage food production operation
- bed and breakfast limited as defined in this section
- private home that receives catered or home-delivered food.”

Source: Section 1





DEFINES BED & BREAKFAST LIMITED EXEMPTION

Bed and Breakfast food establishment:

- location with more than seven rooms for rent
- provides food service other than breakfast to *overnight guests*
- provides food service to *any customer* regardless if they stay overnight

Limited Food Permit Exemption:

- location that has seven or less rooms for rent
- only breakfast is provided to overnight guests

Source: Section 1





DEFINES PERSON

“**Person** means any individual, trustee, corporation, limited liability company, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.”

Source: Section 1





PERMIT EXEMPTION PROCESS

Change creates a new process for a food establishment **operated solely by a nonprofit organization** to obtain and post a WCCHD

Permit Exemption Certificate:

- Must confirm its non-profit status
- Must confirm that its food handlers have received food safety education
- Must pass an inspection of the planned food establishment prior to operating

Source: Section 2





APPLICATION PROCESS

Change modernizes process from paper to online application:

“Any Person desiring to operate a food establishment must make an **online application** for a permit on forms provided by the WCCHD and the permitting software.”

Source: Section 4





ADDS SALES TAX VERIFICATION

Change updates required documents to include Texas Sales and Use Tax to verify the business is eligible to open in Texas:

“The application must contain the name and address of each applicant,]... **[including Texas Certificate of Filing and Texas Sales and Use Tax]**”

Source: Section 4





PROCESS FOR END OF PERMIT

Change creates a process to close out a permit when business is sold:

“The permit holder is required to update WCCHD with any changes including business closure and change of ownerships to avoid continued liability for food safety.”

Source: Section 4





PROPORTIONAL PLAN REVIEW

Change clarifies that floor plans must be proportional and accurately scaled:

“The plans and specifications shall be proportional and accurately scaled to indicate the proposed layout...”

Source: Section 5





REMOVAL OF WCCHD FOOD HANDLER CARD

Change removes the requirement of food handler cards by WCCHD to any accredited food handler program:

“...food employee has received a certificate of completion of a food handler training course (a "food handler's certificate") issued by an **accredited program**, which is valid at the time of such employment in accordance with the following provisions.”

Source: Section 6





REDUCES GRACE PERIOD TIME TO GET FOOD HANDLER CARD

Change aligns with 2021 Texas Food Establishment Rules change:

“All food employees shall successfully complete an accredited food handler training course* **within 30 days of employment**”.

Previously 60 days in the 2015 version

Source: Section 6





CERTIFIED FOOD MANAGER REQUIRED WHEN OPERATING

Change aligns to the 2021 Texas Food Establishment Rules which clarified that certified food managers were required during all times of operation:

“1. At least one certified food manager must be employed by each food establishment and a certified food manager **shall be present at the food establishment during all hours of operation.**”

Source: Section 7





CERTIFIED FOOD MANAGER REQUIRED WHEN OPERATING MOBILE FOOD UNIT

Change clarifies that certified food managers are required during all times of operation on a mobile food unit:

“3. A unique certified food manager is required to operate each mobile food unit.”

Source: Section 7





PENALTIES FOR VIOLATIONS OF ORDER

Change clarifies that penalties apply to violations of this Retail Food Order in addition to the State laws:

Any permit holder]...[who violates any provision **of this order** or of Texas Health and Safety Code, Chapter 437 or a rule or order adopted under Chapter 437 shall be subject to enforcement and penalties in accordance with state law.”

Source: Section 9





SOURCE CODE **ADDED**

Change clarifies that any criminal enforcement aspects are sourced from Chapter 437 of Texas Health and Safety Code:

“1. **Criminal Enforcement.** A person commits an offense if the person operates a food service establishment without a permit required by WCCHD. An offense under this section is a Class C misdemeanor. Each day on which a violation occurs constitutes a separate offense. **(Section 437.01 and 437.016, Texas Health and Safety Code).**”

Source: Section 9





SOURCE CODE **ADDED**

Change simplifies the language for administrative penalty aspects by referring to the source:

“2. **Administrative Penalty**. The Executive Director of WCCHD is authorized to impose an administrative penalty on a person that WCCHD requires to hold a permit under Section 437.004 if the person violates this order, Chapter 437, or a rule or an order adopted under Chapter 437. **(Section 437.0185, Texas Health and Safety Code).**”

Source: Section 9





SOURCE CODE **ADDED**

Change clarifies that assessing an administrative penalty is sourced from Chapter 437.0186 of Texas Health and Safety Code:

“3. **Assessment of Administrative Penalty.** An administrative penalty may be imposed for a violation of this order or Chapter 437, Health and Safety Code, by the state under 437.018 or by the director of a public health district under Section 437.0185, but not both. **(Section 437.0186, Texas Health and Safety Code).**”

Source: Section 9





SOURCE CODE **ADDED**

Change clarifies that revoking a permit is sourced from Chapter 437.014 of Texas Health and Safety Code:

“WCCHD may, after giving notice and providing an opportunity for hearing, deny, suspend, or revoke a permit for any violation of this order, the state law, or the state rules. **(Section 437.014, Texas Health and Safety Code).**”

Source: Section 10





REVOCACTION NOTICE DELIVERY

Change removes the requirement to mail by certified letter and obtain a received receipt - allows for the notice to be hand-delivered for faster communication:

“The notice of the denial, suspension, or revocation of the permit shall be **provided in writing** to the permit holder or applicant. The reason for the denial, suspension, or revocation shall be stated in the notice.”

Source: Section 10





APPEAL HEARING DEADLINE

Change **reduces the time to request an appeal hearing from 20 days to 5 after third failure**. Appeals may be emailed to expedite the process:

“The permit holder or applicant shall have five business days from the receipt of the written notice to request a hearing on the denial, suspension, or revocation. If no request for hearing is received by WCCHD after five business days of receipt of the notice by the permit holder or applicant, WCCHD may take the proposed action without a hearing.”

Source: Section 10





REPEAT VIOLATIONS ADDRESSED AFTER 2ND FAILURE

Change clarifies that two failing inspection violations, as well as repeated violations after a second failure, must be addressed to educate and guide the business to prevent a third and final failure:

“a. ...The plan of action shall address critical violations of the **previously failed inspections and repeat violations.**”

Source: Section 11





WCCHD ADMIN CORRECTIONS

Administrative updates correcting “Williamson County and Cities Health District Board of Health” to “Williamson County Board of Health” and address update:

“b. A reinstatement fee as currently established or as hereafter adopted periodically by Williamson County Board of Health, shall be paid to WCCHD Environmental Health Division.”

Source: Section 11, 13, and signatory lines





TIMELINE

- ✓ **Presentations April-May 2023**
- ✓ **Public Hearing June 2023**

FEEDBACK: EH@wilco.org

CONTACT US:

**Williamson County and Cities
Health District
Environmental Health Division**

EH@wilco.org

Customer Service: 512-248-7620

Inspector Hotline: 512-248-7600

www.wcchd.org/EH

