ORDER NO. 2014-001

AN ORDER REGARDING THE REGULATION OF FOOD PREPARED, STORED, DISTRIBUTED, OR SOLD AT FARMS AND FARMER’S MARKETS; ESTABLISHING PERMITTING REQUIREMENTS AND THE APPLICABILITY OF FEES

As provided by Chapter 437 of the Texas Health and Safety Code, counties and public health districts have the authority to enforce state law and rules concerning farmers’ markets. The purpose of this order is to protect against public health hazards and to reduce the risk of foodborne illness.

Therefore, it is ORDERED, that Williamson County and Cities Health District (WCCHD) adopts the following order:

Section 1. Enforcement of State Law and Rules and Definitions

Williamson County and Cities Health District adopts by reference the provisions of Chapter 437 applicable to counties/public health districts and the current rules or rules as amended by The Executive Commissioner of the Health and Human Services Commission found in 25 Texas Administrative Code, Chapter 229, Subchapter FF, Sections 229.701 through 229.704, regarding the regulation of food temperature requirements and permits at farmers’ markets in the jurisdiction of WCCHD.

The words "authorized agent or employee" mean the employees of the regulatory authority.

The words “Board of Health” mean the Williamson County Board of Health, which administers the WCCHD.

The words "farmers’ markets" mean a designated location used primarily for the distribution and sale directly to consumers of food by farmers or other producers.

The words “farmers’ market food vendor” mean a person that sells potentially hazardous food (time/temperature control for safety food) at a farmers’ market.

The words “farmers’ market food establishment” mean a specific booth, stand, tent, vehicle, or other unique location where a farmers’ market food vendor sells potentially hazardous food (time/temperature control for safety food) at a farmers’ market.
permits are required on an annual basis and the same information is required for a
renewal permit as for an initial permit.

Prior to the approval of an initial permit or the renewal of an existing permit, the
regulatory authority shall inspect the proposed farmers’ market food establishment to
determine compliance with state laws and rules. A farmers’ market food establishment
that does not comply with state laws and rules may be denied a permit or the renewal of a
permit.

The fee schedule for permits issued and inspections under this order will be established
and set by the Williamson County and Cities Board of Health.

Section 4. Denial, Suspension, or Revocation of a Permit

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.

The notice of the reasons for the denial, suspension, or revocation of the permit shall be
in writing and mailed by certified mail, return receipt requested, to the permit holder or
applicant at the address as shown on the permit application or renewal. The reason for the
denial, suspension, or revocation shall be stated in the notice. The permit holder or
applicant shall have ten (10) days from the receipt of the notice letter to request a hearing
on the denial, suspension, or revocation. If no request for hearing is received by the
regulatory authority after twenty days of receipt of the notice by the permit holder, or
applicant, the regulatory authority may take the proposed action without a hearing.

If a hearing is requested within the 10 day period, the hearing shall be conducted by a
hearing officer appointed by WCCHD. The hearing officer shall appoint a time, day, and
location for the hearing. Both WCCHD and the permit holder or applicant shall have the
right to present witnesses and evidence in the hearing. Based on the evidence presented at
the hearing, the hearing officer shall make a final written decision in the matter and shall
notify WCCHD and the permit holder or applicant.

Section 5. Enforcement of Order / Administrative Penalty

The number of times that a farmers’ market food establishment will be inspected during a
calendar year will be determined by WCCHD based on the operating frequency schedule,
the specific types of food prepared or sold, and the history of compliance. A farmers’
market food establishment shall be inspected a minimum of two (2) times per calendar
year. Additional inspections of a farmers’ market food establishment shall be performed
as deemed necessary to protect against public health hazards and to reduce the risk of
foodborne illness. Additional fees are charged to the farmers’ market food establishment
for these inspections.

WCCHD may impose an administrative penalty on a person that WCCHD requires to
hold a farmers’ market food establishment permit if the person violates Chapter 437,