

ORDINANCE NO. _____

An ordinance amending Chapter 17, “Food Establishments,” of the Dallas City Code by amending Section 17-2.2; deleting the requirements for a food service manager to register with the city and pay a fee; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the 88th Texas Legislature met in regular session between January 10, 2023, and May 29, 2023; and

WHEREAS, S.B. 577 was filed on January 24, 2023; and

WHEREAS, S.B. 577 prohibits local health jurisdictions from issuing a local food manager card or requiring a fee for issuance of a certificate; and

WHEREAS, S.B. 577 was approved by both chambers of the Texas Legislature; and

WHEREAS, S.B. 577 was signed by Governor Greg Abbott on May 27, 2023, and took effect on September 1, 2023; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Subsection (c), “Registered Food Service Managers,” of Section 17-2.2, “Additional Requirements,” of Article II, “Management and Personnel,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

“(c) Registered food service managers.

(1) Registered food service manager required.

(A) A food establishment shall employ at least one person who:

(i) is a full-time, on-site supervisory employee of that food establishment responsible for food preparation and service; and

(ii) has a valid and current food ~~[service]~~ manager certificate ~~[registration]~~ issued by the Texas Department of State Health Services ~~[director]~~.

(B) A food establishment must comply with the requirements of Section 17-2.2(c) before being issued an operating permit.

(C) One registered food service manager in a supervisory capacity may serve up to four food establishments contained within the same building and under the same ownership and same management.

(D) A food establishment shall have one registered food service manager employed and present in the establishment during all hours of operation, except that a registered food service manager serving multiple food establishments as authorized by Section 17-2.2(c)(1)(C) must only be present in the building in which the food establishment is located during all hours of operation.

(E) A food establishment that serves, sells, or distributes only prepackaged foods and non-time/temperature control for safety beverages, and a temporary food service establishment that is in operation fewer than four consecutive calendar days, are exempt from Section 17-2.2(c)(1).

(2) Registered food service manager replacement. If a food establishment cannot meet the requirements of Section 17-2.2(c)(1) because of the termination or permanent transfer of a registered food service manager, the food establishment shall:

(A) notify the director, in writing, within 10 days after the effective date of the termination or permanent transfer of the registered food service manager; and

(B) employ another registered food service manager within 45 days after the effective date of the termination or permanent transfer of the previous registered food service manager.

(3) ~~Registration of food service managers.~~

~~(A) The director shall issue a food service manager registration to any person who submits the required application on a form provided by the director, pays to the city the fee required by Section 17-2.2(c)(6), and provides proof of holding a current, valid registered food manager certification issued by the Texas Department of State Health Services or by a provider approved by that state department.~~

~~(B) During those times a registered food service manager is on duty at a food establishment, the registered food service manager must possess evidence of registration.~~

~~(C) A food service manager registration is not transferable from one person to another.~~

~~(D) Unless sooner revoked by the director, a food service manager registration issued under this article expires five years after the date of issuance. The expiration date on the city-issued food service manager registration may not be later than the expiration date on the food manager certificate issued by the state or by an approved provider organization.~~

~~(4) Renewal of food service manager registration. The director shall renew a food service manager registration if the applicant:~~

~~(A) submits an application for renewal within 30 days before expiration of the current food service manager registration;~~

~~(B) pays to the city the fee required by Section 17-2.2(c)(6);~~

~~(C) provides proof of holding a current, valid registered food manager certification issued by the Texas Department of State Health Services or by a provider approved by that state department; and~~

~~(D) provides evidence that within the six months prior to submitting the application for renewal the applicant has:~~

~~(i) attended a food service manager refresher training course approved by the director; or~~

~~(ii) received a passing score on a national examination for certification of food service managers that meets requirements of the United States Food and Drug Administration.~~

~~(5) Denial or revocation of food service manager registration.~~

~~(A) The director may refuse to issue or renew a food service manager registration or may revoke a food service manager registration if the applicant or holder:~~

~~(i) has been convicted of interfering with the lawful inspection of a food establishment;~~

~~(ii) makes a false statement of material fact in the application for registration or renewal of registration; or~~

~~(iii) fails to show proof of holding a current, valid registered food manager certification issued by the Texas Department of State Health Services or by a provider approved by that state department.~~

~~(B) An applicant for or a holder of a food service manager registration may, in accordance with Section 17-10.2(q), appeal the director's decision to deny issuance or renewal of a registration or to revoke a registration.~~

~~(6) Food service manager registration fees. An applicant shall pay a nonrefundable fee of \$63 per year for a food service manager registration.~~

~~(7)] Display of certificate of registered food service manager. A food service establishment shall display the original certificate of each primary registered food service manager employed by the establishment. Each certificate must be displayed in a glass-covered frame at a location where it is easily visible to the public."~~

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 3. That Chapter 17 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

TAMMY L. PALOMINO, City Attorney

By _____
Assistant City Attorney

Passed _____