



Support HB 2107

Help farmers understand the law

Farmers and small-scale food producers face significant barriers due to the inability to determine what they must do to comply with regulation. Local health departments frequently refuse to answer or else give conflicting answers to farmers' inquiries about what they have to do to operate legally. Moreover, even after getting an answer, the producers continue to be at risk if the inspector comes up with a new interpretation.

Individuals who try in good faith to comply with regulations in order to conduct their businesses are often unable to because of the complexity and ambiguity of the regulations, combined with the departments' lack of relevant guidance. Farmers who seek to sell eggs at a farmers' market are often given contradictory answers as to what they must do to clean and store their product legally. Farmers who want to sell meat from animals they raised and had processed at an inspected facility are given multiple different answers as to even what type of permit they must have just to store the meat on their own farm.

In 2013, the Texas Legislature adopted HB 1392, the DSHS Better Communications Act, which requires the Department of State Health Services to respond to inquiries about the law and its application to specific factual situations. Once DSHS has made an official determination, an inspector cannot issue a citation to a producer who is complying with that determination. This law has been helpful in multiple ways, but limited in its impact since many farmers and food producers are selling within areas where DSHS lacks jurisdiction.

HB 2107 by Representative Lambert and Senator Hughes applies the provisions of the DSHS Better Communications Act to local health departments. It simply requires them to respond to inquiries in writing in a timely manner, and then not to fine producers who comply with what they are told is the law.

This common-sense bill can help reduce regulatory uncertainty and unnecessary barriers for farmers and other food producers. This benefits not only their businesses but, in the long run, public health and safety.

HB 2107 was unanimously approved by the House on April 12, 2019.

HB 2107 is supported by the Texas Local Food and Farm Coalition, Texas Organic Farmers & Gardeners Association, Farm & Ranch Freedom Alliance, the Sustainable Food Center, Food Policy Council of San Antonio, GROW North Texas, Grow Local South Texas, Central Texas Young Farmers Coalition, and Waller County Farmers & Ranchers Cooperative.

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