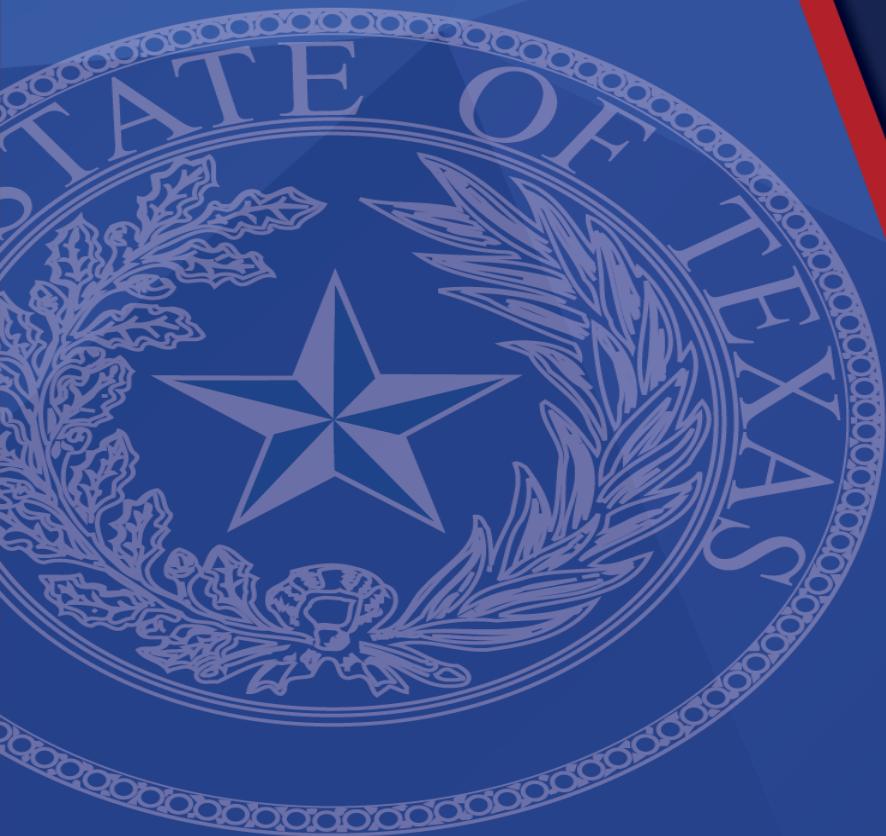




HB 2844 Overview

89th Session

2025



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**Texas Department of State
Health Services**

LHEs – August 11, 2025

Consumer Protection Division
Food & Drug Section
Food Safety Unit
Retail Food Safety Operations Branch

HB 2844 (89th)



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- Signed by Governor Abbott on June 20, 2025.
- Authorization for Exec. Commissioner to begin adoption of rules on Sept. 1, 2025.
- Rules required to be effective May 1, 2026.
- Other parts of the bill, including statewide licensing, not effective until July 1, 2026.





HB 2844



New Texas Health and Safety Code (HSC) Chapter 437B, devoted licensing and inspection of “mobile food vendors” (MFV’s) in Texas.

MFV to obtain an annual license from DSHS for statewide operation

Prescribes a three-tier classification of MFVs based on based on risk

Authorize DSHS to conduct both pre-licensing and ongoing, randomized inspections

Authorizes DSHS to charge fees

NEW Definition “small-scale food business”

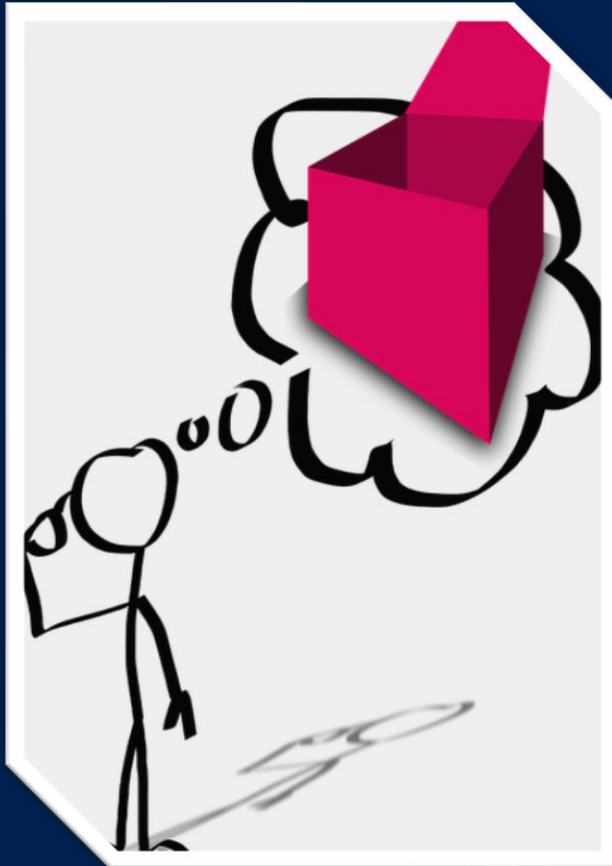
Effective July 1, 2026

HB 2844 – Key Definitions



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"Food vending vehicle" means any vehicle that operates as a food service establishment and is designed to be readily movable.

"Mobile food vendor" means any person who dispenses food or beverages from a food vending vehicle for immediate service or consumption.

What does HB 2844 do?

1. Adds new Texas Health and Safety Code **Chapter 437B.**
2. One statewide MFV license to be issued by DSHS.
3. Licensing, inspection, and enforcement under DSHS jurisdiction—local authority “preempted” regarding anything conflicting with HSC 437B.



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Three-Tier Classification



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- Type I—prepackaged, non-TCS foods and low risk of harm to the public
- Type II—food that requires limited handling and preparation—cook-serve
- Type III—complex preparation, cooking, holding, cooling, reheating, and service



Licensing Fees in Draft Rule

- Application fees in §226.4(f)(1):

Type I: \$250

Type II: \$500

Type III: \$800

- Pre-licensing health inspection fee in §226.4(f)(2):

Type II: \$300

Type III: \$400



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Collaborative Agreement



- **437B.153:** Authorizes DSHS to enter into “collaborative agreements” to reimburse Local Jurisdictions for conducting MFV inspections. However, HSC 437B.002 clarifies that local jurisdictions **are not obligated** to participate.
- **§226.4(f)(3):** Pre-charged routine inspection fees:

Type II: \$300
Type III: \$350



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Statewide Database

Requires DSHS to establish and maintain a statewide database, accessible also to local jurisdictions, that contains:

- names of licensed MFV's
- results of inspections
- public complaints that resulted in disciplinary or corrective action
- itineraries of MFV's



Enforcement

Prescribes a structure and timeline for escalated enforcement by DSHS/HHSC in conjunction with the State Office of Administrative Hearings (SOAH). Includes:

- Administrative Penalties
- License Suspension
- License Revocation
- Due process for the operator



Small-Scale Business Language

Copied from HB 5459

- Adds language to HSC 437 restricting the ability of local jurisdictions to require retail permits of small-scale food businesses (defined as having a Gross Annual Revenue less than \$1.5 million) if the businesses already hold a:
 - DSHS Retail Permit
 - DSHS Food Manufacturer License



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DSHS Next Steps



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WHEN? WHO? WHAT? WHERE? HOW? WHY? **ANY QUESTIONS?** WHEN? WHO? WHAT? WHERE? HOW? WHY? WHEN? WHO? WHAT? WHERE? HOW? WHY? WHEN? WHO? WHAT? WHERE? HOW? WHY?



Statewide Survey
Complete



Presentations
Ongoing



DSHS Webpage
In-process

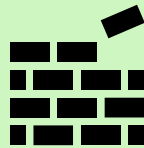


Meetings
Ongoing

HB 2844

Implementation:

Statewide Data Base



Names of licensed MFV
Results of inspections
Public complaints
Resulted corrective action
Itineraries of MFV

DSHS

To-Do's



Adopt rules May 1, 2026
Statewide licensing process MFV
Implement Process for Contracts
Reimbursement for inspections
Establish uniform enforcement

Local

Opportunities



Review local ordinances
Maintain until July 1, 2026
Collaborate with DSHS



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MFV Rules-25 TAC 226

(Title 25, Chapter 226, TX Administrative Code)



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- Draft rules posted for informal comment
 - 09.23 – 10.17.2025
- Must be presented at HHSC Exec. Council 02.19.2026
- Proposed rules to post in *Texas Register* on
 - 02.20.26 for 31 days
 - Formal comments
- **Effective 05.31.2026 ! ! !**



Draft Rules—25 TAC 226

Can be viewed at the link below:

<https://www.hhs.texas.gov/regulations/policies-rules/health-human-services-rulemaking/comment-proposed-draft-rules>



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Draft Rules—25 TAC 226

- **§226.1.** Purpose, Local Preemption, and Applicability
- **§226.2.** Definitions
- **§226.3.** Management and Personnel
- **§226.4.** Mobile Food Vendor Licensing
- **§226.6.** Mobile Food Vendor Requirements
- **§226.8.** Mobile Food Vendor Inspections



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Draft Rules—25 TAC 226

Other key points:

- ❖ **§226.1(c)(2)**—MFV's must comply with all local ordinances that **do not conflict** with HSC 437B or Chapter 226.
- ❖ **§226.6(c)**—MFV's must still operate from a Central Preparation Facility unless they can demonstrate per the rule that they should be exempt. The *onus* is on the MFV.
- ❖ **§226.8(e)**—MFV's must provide notification of planned location on social media, the operator's website, or directly to DSHS.



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QUESTIONS?



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Image source: <http://www.lhtech.us/FAQs.php>

foodestablishments@dshs.texas.gov



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Thank you

Retail Food Safety Operations Branch



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