



# City of San Antonio

## Agenda Memorandum

**File Number:**

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**Agenda Item Number:** 27

**Agenda Date:** November 18, 2021

**In Control:** City Council A Session

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**DEPARTMENT:** Health Department

**DEPARTMENT HEAD:** Claude Jacob

**COUNCIL DISTRICTS IMPACTED:** Citywide

**SUBJECT:**

An Ordinance amending City Code of San Antonio, Texas, Chapter 13, Food and Food Handlers

**SUMMARY:**

This Ordinance will authorize amendments to Chapter 13 of the City Code entitled “Food and Food Handlers”.

**BACKGROUND INFORMATION:**

The San Antonio Metropolitan Health District (Metro Health) is the local public health agency with the responsibility for providing public health programs and services in San Antonio and Bexar County. Metro Health staff reviewed the City Code, Chapter 13, titled “Food and Food Handlers” and identified sections in the chapter in need of amendments. Staff identified these sections of the City Code as outdated information that does not align with current public health practices.

In addition, Metro Health discussed the adoption of the 2021 Texas Food Establishment Rules with the San Antonio Restaurant Association at their August 24, 2021 Board Member meeting. The association did not have any concerns.

Within Chapter 13, the proposed amendments revise the following sections of Article I – In General, Section 13-2 regarding Food establishment rules. The proposed revisions to City Code will align with the State of Texas Health Code. The State of Texas has updated the Texas Food Establishment Rules for 2021. All changes to Chapter 13 will become effective January 1, 2022.

**Revision to Section 13-2 – Food establishment rules.**

The proposed revisions to this section will align City Code with the State’s Code.

- The State has updated the Texas Food Establishment Rules and has adopted by reference the 2017 FDA Food Code. The proposed revision will remove item (a)(1) of this section, Metro Health does not inspect manufacturers. The State licenses and inspects food manufacturers.
- The proposed revision will amend (a)(2) of this section to reference the updated section of the Texas Food Establishment Rules in Chapter 25 of the Texas Administrative Code.
- The proposed revision will amend (b) of this section to reference the updated section of the Texas Food Establishment Rules in Chapter 25 of the Texas Administrative Code.

**Revision to Section 13-43 – Sanitation requirements of temporary food service establishments.**

The proposed revision will amend (a) of this section to reference the updated section §228.222 of the Texas Food Establishment Rules in Chapter 25 of the Texas Administrative Code.

**Revision to Section 13-64 - Sanitation requirements generally.**

The proposed revision will amend this section to reference the updated section §228.221 of the Texas Food Establishment Rules in Chapter 25 of the Texas Administrative Code.

**Revision to Section 13-119 – Food handler certification required.**

The proposed revisions to this section will align City Code with the State’s Code.

- Section (a) of this section will be updated to reference an exemption currently listed under section 13-121 of this Chapter.
- The proposed revision will amend (b) of this section to conform with the language in the Texas Food Establishment Rules in Chapter 25 of the Texas Administrative Code by removing the sixty (60) and replacing with thirty (30) days and requiring employees to meet this requirement instead of food establishments.
- The proposed revision will remove all of section (c)(1)(2). Director does not need notification from food establishments. Food establishments can hire another food handler as time permits.

**ISSUE:**

After careful review of Chapter 13 of the City Code by Metro Health staff, staff identified sections that are in need of revisions. These sections include outdated information that does not align with the 2021 Texas Food Establishment Rules. Staff requests City Council approve the proposed amendments to the City Code identified as outdated and in need of revision to bring the City Code up to current practice standards. The proposed amendments will not have an adverse effect on food establishments.

**ALTERNATIVES:**

If this amendment to Chapter 13 of the City Code is not approved, the City Code will remain as is, outdated and not in alignment with current public health practices.

**FISCAL IMPACT:**

The proposed changes to the City Code will have no impact to the general fund revenue.

**RECOMMENDATION:**

Staff recommends approval of this ordinance amending Chapter 13 of the City Code to align Code with current public health practices.