**Proposal for Retail Food Protection Program**

**District Order 2024-2**

***If the NET Health Board of Health approves the changes to this Order on the 3rd day of December, 2024, District Order 2024-2 will become effective March 1, 2025.***

**The purpose of District Order 2024-2 is to safeguard public health and provide consumers food that is safe, unadulterated, and honestly presented. The Northeast Texas Public Health District (NET Health) Board adopts the Northeast Texas Public Health District food establishment rules, regulations, fees, and orders to establish the enforcement of state law and state rules for food service establishments, retail food stores, mobile food units, roadside food vendors, and temporary food service establishments as required to issue, deny, suspend or revoke food establishment permits pursuant to Texas Health and Safety Code, Chapters 431-438 and amendments thereto. The current District Order 2023-1 amendments proposed are required to improve the effectiveness of the retail food protection program. The following items proposed are being introduced in the best interest of public health:**

**Summary of Changes**

# General Customer Service Improvements.

* This draft will include digital links to codes referenced within the document.

# Part 1. Retail Food Establishments

**Annual Permit Fee Structure**

*The outgoing rule permit fee structure is inadequate to effectively cover the cost of program services. A five (5) year plan has been drafted to stabilize existing FTE’s and add necessary FTE’s through 2030 to achieve necessary inspection frequencies to adequately inspect and gain improved food safety compliance within NET Health jurisdiction.*

The Annual Permit Fee Structure is changing from a flat fee permit fee structure. There are three components that influenced the new fee structure.

1. Average time needed to inspect each type of facility.
2. Average percent increase to accommodate inflation and economic growth
3. For Brick & Mortar Food Establishment, an additional $50 each year to gain FTE’s.

**Part 1 Schedule 2 Fee Schedule**

|  |  |  |
| --- | --- | --- |
| **A.Variable Permit Fee Schedule Based on Risk Category** | New Fee | **Old Fee** |
| 1) Retail Food Establishments |  |  |  |
| (a)  | Very Low Risk |  | $275.00  | **$0.00** |
| (b)  | Low Risk |  | $325.00  | **$275.00** |
| (c)  | Medium Risk |  | $400.00  | **$325.00** |
| (d)  | High Risk |  | $525.00  | **$350.00** |
| (e)  | Very High Risk |  | $675.00  | **$0.00** |
| 2) Mobile Food Units |  |  |  |
| (a)  | Very Low Risk |  | $230.00  | **$0.00** |
| (b)  | Low Risk |  | $280.00  | **$275.00** |
| (c)  | Medium Risk |  | $330.00  | **$325.00** |
| (d)  | High Risk |  | $430.00  | **$350.00** |
| (e)  | Very High Risk |  | $680.00  | **$0.00** |
| (f)  | Very Low Risk Pushcart | $150.00  | **$150.00** |
| (g)  | Low Risk Pushcart |  | $250.00  | **$250.00** |
| 3) Temporary Food Establishments |  |  |  |
| (a)  | Temporary Food Vendor 1st three (3) days | $75.00  | **$75.00** |
| (b)  | Temporary Food Vendor - Additional Days (each day) | $15.00  | **$15.00** |
| (c)  | Temporary Food Vendor - High Risk 1st three (3) days | $100.00  | **$100.00** |
| (d)  | Temporary Food Vendor - NET Health permited Mobile Food Unit | $75.00  | **$75.00** |
|  |  |  |  |  |
| **B. Set Permit Fee Schedule For Other Retail Food Permits** |  |  |
| 1) Retail Food Permits |  |  |  |
| (a)  | 30 Day Change of Ownership - Temporary Permit | $200.00  | **$200.00** |
| (b)  | Annual Variance / HACCP / Special Process | $100.00  | **$100.00** |
| (c)  | Licensed Care Center - Food Establishment | $225.00  | **$150.00** |
| (d)  | Commissary Agreement Permit | $75.00  | **$75.00** |
| (e)  | Food Truck Park |  | $100.00  | **$100.00** |
| (f)  | School |  | $375.00  | **$375.00** |
| 2) Farmers Market Vendor |  |  |  |
| (a)  | Low Risk - Farmers Market Vendor | $25.00  | **$25.00** |
| (b)  | Medium Risk- Farmers Market Vendor | $50.00  | **$50.00** |
| (c)  | High Risk - Farmers Market Vendor | $100.00  | **$100.00** |
| 3) Vending Machine Permit Fee |  |  |  |
| (a)  | Prepackaged TCS Foods or Beverages. Each machine | $25.00  | **$0.00** |
| (b)  | Prepared Foods Vending Machine - Each machine | $250.00  | **$0.00** |
| 4) Self-Service Market |  | $50.00  | **$0.00** |
|  |  |  |  |  |
| **C. Other Associated Fees** |  |  |  |
| 1) Initial Permit Proration Calculation |  |  |
|  | Annual Fee divided over twelve (12) months and adjusted to align the initial permit expiration date with annual billing cycle or with any other existing permit expiration date for other inspection services at the same establishment. Examples include but are not limited to: A hotel with a Commercial Pool/Spa Permit and a Continental Breakfast Food Establishment.  |  |
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| 2) Nonprofit Fees for Service.  |  |  |  |
|  | Nonprofit organizations as defined in Part 1 Section 1.B. 34) are exempt from payment of the permit fee. Any civic or fraternal organization, charity, lodge, association, proprietorship, corporation, or church not meeting the definition of "nonprofit organization" must obtain a permit and pay the permit fee.  |  |
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| 3) Plan Review |  |  |  |  |
| (a)  | Coordinator Application Plan Review for Single Event or Celebration |  |  |
|  | (i) Nonprofit |  | Fee Exempt | **$0.00** |
|  | (ii) 1-5 Vendors |  | $25.00  | **$25.00** |
|  | (iii) 6-10 Vendors |  | $75.00  | **$75.00** |
|  | (iv) 11 plus vendors | $175.00  | **$175.00** |
|  |  |  |  |  |
| (b)  | Food Truck Park Plan Review |  |  |
|  | (i) 2-4 vehicles |  | $75.00  | **$75.00** |
|  | (ii) 5-10 vehicles |  | $125.00  | **$125.00** |
|  | (iii) 11 plus vendors |  | $175.00  | **$175.00** |
|  |  |  |  |  |
| (c)  | Farmers Market Plan Review | $25.00  | **$25.00** |
| (d)  | Mobile Food Establishment Plan Review | $200.00  | **$200.00** |
| (e)  | Retail Food Establishment Plan Review Fee Based on Square Footage |  |  |
|  | (i) New Construction, Conversion, Change of Ownership with Modifications |  |
|  | a.  | 0-999 square feet | $175.00  | **$175.00** |
|  | b.  | 1,000 - 4,999 square feet | $200.00  | **$200.00** |
|  | c.  | 5,000 - 24,999 square feet | $400.00  | **$400.00** |
|  | d.  | 25,000 plus square feet | $600.00  | **$600.00** |
|  | (ii) Change of Ownership - No Menu Change, Concept Change or Equipment Layout | $175.00  | **$175.00** |
|  | (iii) Remodel |  | $175.00  | **$175.00** |
| 4) Duplicate Permit Fee |  | $25.00  | **$25.00** |
| 5) Late Fees |  |  |  |  |
| (a) | Annual Food Establishment Late Fee | $100.00  | **$100.00** |
| (b) | Event Coordinator Late Fee | $100.00  | **$100.00** |
| (c) | Temporary Food Vendor Late Fee | $100.00  | **$100.00** |
| 6) Permit Re-Instatement Fee |  | $150.00  | **$150.00** |
| 7) Re-Inspection Fee |  | $100.00  | **$100.00** |
| 8) Administrative Penalty Fees |  |  |  |
| (a)  | Level 1 |  | $100.00  | **$100.00** |
| (b)  | Level 2 |  | $200.00  | **$200.00** |
| (c)  | Level 3 |  | $300.00  | **$300.00** |
| (d)  | Level 4 |  | $400.00  | **$400.00** |
| (e)  | Level 5 |  | $500.00  | **$500.00** |

**Donated Food Distributing Organizations (DFDOs)**

*This is a new description for a specific type of Food Establishment that currently exists.*

DFDOs are nonprofit organizations that distribute foods free of charge. This section provides information to assist these organizations in compliance with existing food safety regulations necessary to provide public health.

**Variable Risk Categories**

*Added Very Low Risk and Very High Risk to the variable risk categories.*

These risk categories establish the complexity of food service and risk for contributing factors of foodborne illness to occur. These two categories have been added for future planning for Incentive Program application to award retail food establishments that exhibit proficient Active Managerial Controls in daily operations.

**Farmers Market Requirements.**

*Incorporated currently existing operating requirements described on applications and based on State of TX Farmers Market Regulations into District Order.*

Added Coordinator Application and Coordinator Responsibilities as well as Farmers Market Vendor permit, application and equipment requirements. These requirements and permit fees have been implemented for at least 2 years. This is the first time the operating procedures have been entered into District Order.

**Nonprofit Organizations.**

*Clarified existing language and inspection processes.*

In the last revision of the District Order, language was included stating that nonprofits would receive a permit but they were exempted from fees. This is not consistent language with the TX DSHS department. This was clarified to reinforce that nonprofits are exempt from permit, they must follow food safety rules, they will receive inspections and a certificate of inspection by NET Health. Additionally, we incorporated language from TX DSHS into the definition.

**Self Service Food Markets.**

*Added a placeholder to describe this specific type of food establishment into District Order.*

Self-Service Markets are already described in the Texas Food Establishment Rules. NET Health will be developing applications, and inspection reports specific to this type of food establishment. Permit fees and code reference have been included into District Order.

**Vending Machines.**

*Added vending machines to the specific type of food establishments.*

Vending machines that robotically prepare foods are increasing. NET Health needs to establish guidance for obtaining permits and operations. Permit Fees and categories have been added for inspections and investigations.

# Part 2. Mobile Food Establishments

**Electrical Systems and Components.**

Split this section into categories to provide ease of location of information.

**Floors, Walls, Ceilings and Exterior Openings.**

*Included information to protect exterior openings from pests.*

This language already exists in the Texas Food Establishment Rules. This is to address commonly observed violations.

**Central Preparation Facility or Commissary**

*Added clarification to this information.*

Clarified information for identification and designation of equipment, shared space and expectation for MFUs to be stored at the central preparation facility/commissary when not conducting business or undergoing vehicle maintenance. Added responsibilities for the Commissary Manager.