

Food Establishment Regulations

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Background Information

- Adopts the 2021 Texas Food Establishment Rules and the 2017 Food and Drug Administration Code.
- Effective September 1, The Department of State Health Services (DSHS) will begin to maintain an online registry of food establishment regulations adopted by municipalities. The City of McKinney cannot conduct an inspection to determine compliance with an ordinance the municipality adopts *that differs from state law or department rules or orders* before the 60th day following the date the municipality or district submits a copy of the ordinance to DSHS

Changes from Texas Food Establishment Rules

- Defines Food Preparation- Packaging, processing, assembling, portioning, cooking or any other operation that changes the form, flavor, or consistency of food products.
- Streamlines permit fees and types of permits to “Food Establishment. Permit”.
- No changes/increase to permit fees for food establishments.
- Expedited temporary health permit fee if permit is submitted less than seven days prior to the event (\$75).
- Provides standards for flooring requirements in food establishments.

Physical Facilities

- Flooring in new or remodeled food establishments shall be quarry or ceramic tile, or epoxy with ¼" thickness.
- Walls shall be light colored, smooth and easily cleanable. (Tile, Fiberglass-reinforced plastic (FRP), Stainless Steel, etc.).
- Hand sinks shall be located within 25 unobstructed feet of a food preparation, warewashing, or food service area.

Changes from Texas Food Establishment Rules



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Changes from Texas Food Establishment Rules

- Increased re-inspection fees for those food establishments that score more than 30 demerits two and three times in a calendar year.
- \$150 re-inspection for 2nd failed inspection. Minimum 24 hour closure for corrective actions.
- \$250 re-inspection for 3rd failed inspection. Minimum 48 hour closure for corrective actions.
- In 2022, this would have affected less than .007% of the total restaurants. 14 Failures out of 1821 inspections.
- Risk violation fees will incur when a repeat violation has incurred for three consecutive inspections of an item. (\$50 per demerit)

Repeat Violations by the Numbers

- Risk violation fees will incur when a repeat violation has incurred for three consecutive inspections of an item. (\$50 per demerit)
- 2021, 234 businesses had a total of 726 repeat violations.
- 2022, 254 businesses had a total of 889 repeat violations.
- In 2023, 214 business have had 639 repeat violations, so far.

Common Violations



Common Violations



City Council Direction Requested:

Should Staff amend current food establishment ordinance to align with Texas Food Establishment Rules and Food and Drug Administration Regulations?