

Strategic Policy Brief (For TEHA Members & Local Health Departments)

TEHA Policy Brief

The Texas Environmental Health Association Committee for Legislation and Guidance monitors legislative and regulatory developments that affect Environmental Health practice across Texas and helps keep TEHA members informed of changes that impact local programs. The committee also serves as a liaison between TEHA membership, state agencies, and local jurisdictions to ensure that the perspectives of environmental health professionals are represented during policy development and implementation. The following update provides information related to the implementation of House Bill 2844 and the state mobile food vendor permitting program.

Implementation of HB 2844: Mobile Food Vendor Permitting and Local Health Department Implications

March 2026

The Texas Environmental Health Association (TEHA) participated in a recent Texas Department of State Health Services (DSHS) Mobile Food Vendor Workgroup meeting focused on implementation of House Bill 2844, which significantly restructures mobile food vendor permitting and inspection responsibilities in Texas.

The law centralizes permitting authority for mobile food vendors at the state level, while allowing local health departments (LHDs) to continue performing inspections through collaborative agreements with DSHS. This policy shift has several operational implications for environmental health programs across the state.

Key Implementation Timeline

The following timeline was communicated during the DSHS workgroup meeting:

Date	Implementation Milestone
March 23, 2026	Deadline for public comment on proposed HB 2844 rules
May 31, 2026	New rules expected to take effect
June 1, 2026	Mobile food vendors may begin applying for state permits
July 1, 2026	Existing local health department mobile permits expire

DSHS clarified that local permits will not be grandfathered, meaning all existing local mobile vendor permits will expire July 1, 2026.

Pre-Licensing Inspection Requirement

According to DSHS, once a vendor submits a permit application, they will receive a receipt allowing them to operate immediately, even if the pre licensing inspection has not yet occurred.

Under the new system:

- All mobile food vendors must receive a pre-licensing inspection.
- Local jurisdictions can take up to 6-9 months to complete the pre-licensing inspections.
- DSHS is exploring whether a routine inspection may be used to satisfy the pre-licensing inspection requirement in order to reduce administrative burden.

In addition, permit start dates may be tied to the date of the first inspection the regulatory authority performs to avoid clustering permit expirations at the same time each year.

Operational Changes for Local Programs

Several changes discussed during the meeting may affect how local environmental health programs operate:

Temporary Food Permit Restriction

Mobile food vendors will no longer be allowed to operate under temporary food permits.

DSHS indicated that further clarification of definitions between mobile food vendors and temporary food establishments will be included in the next update to the Texas Food Establishment Rules (TFER).

Vendor Transition Period

During the transition period:

- New vendors may be prioritized for inspection.
- Jurisdictions may determine whether to prorate or discontinue existing local permits prior to the July 1 expiration date. DSHS has not provided guidance on this.

Enforcement Considerations

The workgroup also discussed enforcement procedures for mobile food vendors operating under the new system.

- Foodborne illness investigations must be initiated within 24 hours of assignment.
- Jurisdictions may use the state voluntary closure process when dealing with imminent health hazards or unpermitted vendors.
- When violations occur outside of the mobile food unit, such as MS4 or other locally regulated violations, local ordinances may still be used for enforcement.

Collaborative Agreements with Local Jurisdictions

DSHS indicated that a draft collaborative agreement will be released in April 2026.

This agreement will outline how local jurisdictions may perform inspections on behalf of the state under HB 2844.

DSHS has released a Statement of Work (SOW) that serves as the template for the collaborative agreement jurisdictions may enter into to perform mobile food vendor inspections on behalf of the state. Local jurisdictions requested early distribution of the agreement to allow sufficient time for review and approval by legal departments, city councils, and county commissioners courts. The attached SOW document is a preliminary template and outline only for what the collaborative agreement could contain, and DSHS is working collaboratively with TEHA and jurisdictions as guidance continues to be developed.

Strategic Considerations for Local Health Departments

As implementation proceeds, environmental health programs may wish to consider several strategic questions:

- Whether their jurisdiction will participate in the DSHS collaborative inspection agreement.
- How inspection workload may change as the state assumes permitting authority.
- How local programs will manage the transition from local permits to state permits.
- Whether staffing, inspection frequency, or enforcement procedures may require adjustment. See statement of work.

TEHA Role Moving Forward

TEHA will continue to participate in discussions with DSHS and will keep our membership informed as implementation progresses. Our goal is to ensure that environmental health professionals across Texas remain engaged in shaping policies that affect local regulatory programs and public health protection.

Additional updates will be shared with members as more information concerning the draft collaborative agreement and final rules are released. Members with questions or feedback may send those inquiries to the TEHA Business Manager at tehabusinessmanager@myteha.org.