

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: April 6, 2026

Topic:

Review of and Discussion on HB 2844, SB 1008, DSHS proposed rules (25 TAC Chapter 226), and Tomball Code of Ordinances Chapter 32 (Peddlers and Solicitors / Mobile Food Vendors).

Background:

House Bill 2844 establishes a new statewide licensing and regulatory framework for mobile food vendors under Health & Safety Code Chapter 437B. Beginning July 1, 2026, mobile food vendors will operate under a single state-issued license administered by the Department of State Health Services (DSHS), with state-set inspection, operational, and documentation standards. The bill significantly limits local authority to impose additional food-safety-related permits, inspections, or operational requirements that conflict with the state program.

To implement HB 2844, DSHS has proposed new rules in 25 TAC Chapter 226. These rules create risk-based vendor categories, set statewide licensing and renewal fees, establish uniform sanitation and wastewater requirements, and outline inspection and enforcement procedures. The rules also clarify the scope of state preemption: cities may continue regulating zoning, location, right-of-way use, parking regulations, and fire code compliance, but may not adopt requirements that duplicate or conflict with Chapter 226 or the state Mobile Food Vendor license.

Senate Bill 1008 further standardizes local regulation of food service establishments, including mobile food units and temporary food vendors. Effective September 1, 2025, SB 1008 restricts when municipalities may require separate local food permits, caps local fees relative to state fees, and limits additional sound-related or inspection-related charges tied to food service operations. Together, SB 1008 and HB 2844 shift most food-safety regulations to the state while narrowing the scope of permissible local permitting.

Tomball Code of Ordinances Chapter 32 regulates peddlers, solicitors, and itinerant vendors, including mobile food vendors operating within the city. Several provisions, particularly those requiring city-issued permits, imposing local inspection standards, or charging fees that function as food-service permits, may be preempted or require revision under HB 2844, SB 1008, and the proposed DSHS rules.

Origination: City Secretary's Office

Recommendation:

Staff is presenting this item to brief Council on these changes and to seek direction on preparing amendments to Chapter 32 that preserve the City's remaining authority while ensuring compliance with the new state framework.

Party(ies) responsible for placing this item on agenda:

Thomas Harris III, City Secretary
and Joseph Hays, Attorney –
Olson & Olson

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account # _____ To # _____
account _____

Signed _____ Approved by _____
Staff Member Date City Manager Date