

By: Goodwin

H.B. No. 95

A BILL TO BE ENTITLED

AN ACT

relating to food labeling by a cottage food production operation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 437.0193(b), Health and Safety Code, is amended to read as follows:

(b) The executive commissioner shall adopt rules requiring a cottage food production operation to label all of the foods described in Section 437.001(2-b)(A) that the operation sells to consumers. The label must include:

(1) the name, zip code, and telephone number [~~and address~~] of the cottage food production operation; and

(2) a statement that the food is not inspected by the department or a local health department.

SECTION 2. Section 437.0194(b), Health and Safety Code, is amended to read as follows:

(b) A cottage food production operation may sell a food described by Section 437.001(2-b)(A) in this state through the Internet or by mail order only if:

(1) the consumer purchases the food through the Internet or by mail order from the operation and the operator personally delivers the food to the consumer; and

(2) [~~subject to Subsection (c),~~] before the operator accepts payment for the food, the operator provides all labeling information required by Section 437.0193(d) and department rules to

1 the consumer by:

2 (A) posting a legible statement on the
3 operation's Internet website;

4 (B) publishing the information in a catalog; or

5 (C) otherwise communicating the information to
6 the consumer.

7 SECTION 3. Section [437.0194\(c\)](#), Health and Safety Code, is
8 repealed.

9 SECTION 4. (a) Not later than January 1, 2024, the executive
10 commissioner of the Health and Human Services Commission shall
11 adopt the rules necessary to implement Section [437.0193\(b\)](#), Health
12 and Safety Code, as amended by this Act.

13 (b) A person is not required to comply with Section
14 [437.0193\(b\)](#), Health and Safety Code, as amended by this Act, until
15 January 1, 2024.

16 SECTION 5. This Act takes effect September 1, 2023.