

By: Kolkhorst, et al.
(Hull, Frank, VanDeaver, Bucy, Pierson, et al.)

S.B. No. 25

Substitute the following for S.B. No. 25:

By: VanDeaver

C.S.S.B. No. 25

A BILL TO BE ENTITLED

AN ACT

relating to health and nutrition standards to promote healthy living, including requirements for food labeling, primary and secondary education, higher education, and continuing education for certain health care professionals; authorizing a civil penalty.

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

SECTION 1. Section 28.002, Education Code, is amended by amending Subsections (1) and (1-1) and adding Subsections (1-4) and (u) to read as follows:

(1) A school district or open-enrollment charter school shall require a student enrolled in full-day prekindergarten, in kindergarten, or in a grade level below grade six to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year as part of the district's or school's physical education curriculum or through structured activity during a school campus's daily recess. To the extent practicable, a school district or open-enrollment charter school shall require a student enrolled in prekindergarten on less than a full-day basis to participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten. A school district or open-enrollment charter school shall require students enrolled in grade levels six, seven, and eight to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least six [~~four~~] semesters

during those grade levels as part of the district's or school's physical education curriculum. If a school district or open-enrollment charter school determines, for any particular grade level below grade six, that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors, the district or school may as an alternative require a student in that grade level to participate in moderate or vigorous physical activity for at least 135 minutes during each school week. Additionally, a school district or open-enrollment charter school may as an alternative require a student enrolled in a grade level for which the district or school uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks. A school district or open-enrollment charter school must provide for an exemption for:

- (1) any student who is unable to participate in the required physical activity because of illness or disability; and
- (2) a middle school or junior high school student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity under rules adopted by the commissioner.

(1-1) In adopting rules relating to an activity described by Subsection (1)(2), the commissioner shall ~~may~~ permit an exemption for a student who participates in a school-related activity or an activity sponsored by a private league or club ~~only~~ if the student provides proof of participation in the activity.

(1-4) In providing a physical education curriculum under

Subsection (1), a school employee may not restrict participation in:

(1) recess or other physical activity offered as part of the district's or school's physical education curriculum for a student enrolled in kindergarten or in a grade level below grade six as a penalty for the student's academic performance or behavior; or

(2) physical activity offered as part of the district's or school's physical education curriculum for a student enrolled in grade level six, seven, or eight as a penalty for the student's academic performance or behavior.

(u) In adopting the essential knowledge and skills for the health curriculum under Subsection (a)(2)(B) for a grade level from kindergarten through grade eight, the State Board of Education shall adopt essential knowledge and skills that include nutrition instruction based on nutritional guidelines recommended by the Texas Nutrition Advisory Committee established under Chapter 119B, Health and Safety Code.

SECTION 2. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.0115 to read as follows:

Sec. 28.0115. ELECTIVE COURSE ON NUTRITION AND WELLNESS. Each school district and open-enrollment charter school offering a high school program shall provide an elective course in nutrition and wellness that meets the requirements for a one-half elective credit under Section 28.025, using materials the State Board of Education approves. The nutrition instruction:

(1) must include curriculum requirements based on nutritional guidelines recommended by the Texas Nutrition Advisory

Committee established under Chapter 119B, Health and Safety Code;
and
(2) may incorporate other relevant material,
including culinary skills, horticulture, and consumer economics.

SECTION 3. Subchapter F, Chapter 51, Education Code, is amended by adding Section 51.3025 to read as follows:

Sec. 51.3025. NUTRITION EDUCATION COURSEWORK. (a) In this section, "institution of higher education" has the meaning assigned by Section 61.003.

(b) The Texas Higher Education Coordinating Board by rule shall require institutions of higher education to require each student enrolled in an associate or baccalaureate degree program at the institution to complete a course of instruction in nutrition education. The course must include curriculum requirements based on nutritional guidelines recommended by the Texas Nutrition Advisory Committee established under Chapter 119B, Health and Safety Code.

SECTION 4. Subchapter A, Chapter 63, Education Code, is amended by adding Section 63.0025 to read as follows:

Sec. 63.0025. REQUIRED NUTRITION CURRICULUM. A health-related institution of higher education listed in Section 63.002(c) is eligible for distribution of money under this subchapter only if the institution:

(1) develops nutrition curriculum requirements based on nutritional guidelines recommended by the Texas Nutrition Advisory Committee established under Chapter 119B, Health and Safety Code; and

1 (2) requires all medical students or students in other
2 majors related to health care service provision who are enrolled at
3 the institution to successfully complete the curriculum
4 requirements developed under Subdivision (1).

5 SECTION 5. Subchapter B, Chapter 63, Education Code, is
6 amended by adding Section 63.103 to read as follows:

7 Sec. 63.103. REQUIRED NUTRITION CURRICULUM. A
8 health-related institution of higher education listed in Section
9 63.101(a) is eligible for distribution of money from a fund
10 established under this subchapter only if the institution:

11 (1) develops nutrition curriculum requirements based
12 on nutritional guidelines recommended by the Texas Nutrition
13 Advisory Committee established under Chapter 119B, Health and
14 Safety Code; and

15 (2) requires all medical students or students in other
16 majors related to health care service provision who are enrolled at
17 the institution to successfully complete the curriculum
18 requirements developed under Subdivision (1).

19 SECTION 6. Subchapter C, Chapter 63, Education Code, is
20 amended by adding Section 63.2025 to read as follows:

21 Sec. 63.2025. REQUIRED NUTRITION CURRICULUM. A
22 health-related institution providing graduate medical education is
23 eligible for a grant award under this subchapter only if the
24 institution:

25 (1) develops nutrition curriculum requirements based
26 on nutritional guidelines recommended by the Texas Nutrition
27 Advisory Committee established under Chapter 119B, Health and

Safety Code; and

(2) requires all students in nursing, allied health, or other majors related to health care service provision who are enrolled at the institution to successfully complete the curriculum requirements developed under Subdivision (1).

SECTION 7. Subchapter D, Chapter 63, Education Code, is amended by adding Section 63.303 to read as follows:

Sec. 63.303. REQUIRED NUTRITION CURRICULUM. A health-related institution providing graduate medical education is eligible for a grant award under this subchapter only if the institution:

(1) develops nutrition curriculum requirements based on nutritional guidelines recommended by the Texas Nutrition Advisory Committee established under Chapter 119B, Health and Safety Code; and

(2) requires all medical students or students in other majors related to health care service provision who are enrolled at the institution to successfully complete the curriculum requirements developed under Subdivision (1).

SECTION 8. Subtitle E, Title 2, Health and Safety Code, is amended by adding Chapter 119B to read as follows:

CHAPTER 119B. TEXAS NUTRITION ADVISORY COMMITTEE

Sec. 119B.001. DEFINITION. In this chapter, "advisory committee" means the Texas Nutrition Advisory Committee.

Sec. 119B.002. ADVISORY COMMITTEE ESTABLISHED. The Texas Nutrition Advisory Committee is established to develop nutritional guidelines for residents of this state. The advisory committee is

administratively attached to the department.

Sec. 119B.003. MEMBERSHIP. (a) The advisory committee is composed of seven members appointed by the governor, including at least:

(1) one expert in metabolic health, culinary medicine, lifestyle medicine, or integrative medicine;

(2) one licensed physician certified in functional medicine;

(3) one member representing the Texas Department of Agriculture;

(4) one member representing a rural community;

(5) one member representing an urban community; and

(6) one pediatrician specializing in metabolic health.

(b) In appointing the advisory committee members, the governor must:

(1) consider recommendations provided by:

(A) the chair of the senate committee on health and human services;

(B) the chair of the house of representatives committee on public health; and

(C) the chair of the house of representatives committee on human services; and

(2) ensure not more than two members are affiliated with an academic or health-related institution of higher education if the appointment could reasonably create a conflict of interest between the goals of the advisory committee and the goals of the

1 institution.

2 (c) An individual is ineligible for appointment to the
3 advisory committee if the individual:

4 (1) owns or controls an ownership interest in a food,
5 beverage, dietary supplement, or pharmaceutical manufacturing
6 company; or

7 (2) is related within the third degree of
8 consanguinity or affinity, as determined by Chapter 573, Government
9 Code, to an individual who owns or controls an ownership interest in
10 a food, beverage, dietary supplement, or pharmaceutical
11 manufacturing company.

12 (d) Before accepting an appointment under this section, an
13 individual must disclose all past or existing affiliations with a
14 food, beverage, dietary supplement, or pharmaceutical
15 manufacturing company or any other affiliation that could
16 reasonably create a conflict of interest with the goals of the
17 advisory committee. An advisory committee member who fails to
18 disclose an affiliation described by this subsection is subject to
19 removal by the governor.

20 (e) Advisory committee members serve staggered four-year
21 terms.

22 Sec. 119B.004. ADVISORY COMMITTEE DUTIES. The advisory
23 committee shall:

24 (1) examine the impact of nutrition on human health
25 and examine the connection between ultra-processed foods,
26 including foods containing artificial color and food additives, and
27 the prevalence of chronic diseases and other chronic health issues;

1 (2) provide an independent review of scientific
2 studies analyzing the effects of ultra-processed foods on human
3 health;

4 (3) provide education on the effects of
5 ultra-processed foods on human health; and

6 (4) develop and maintain dietary and nutritional
7 guidelines based on the consensus of available scientific studies
8 and information concerning diet and nutrition.

9 Sec. 119B.005. ANNUAL REPORT. Not later than September 1 of
10 each year, the advisory committee shall prepare and submit to the
11 department, the governor, the lieutenant governor, the speaker of
12 the house of representatives, and each standing committee of the
13 legislature with primary jurisdiction over health and safety a
14 written report that includes:

15 (1) a summary of the scientific studies;

16 (2) nutritional guidelines incorporating any new
17 scientific findings; and

18 (3) any other recommendations the advisory committee
19 considers appropriate based on new scientific studies.

20 Sec. 119B.006. DEPARTMENT NUTRITIONAL GUIDELINES WEB PAGE.

21 (a) The department shall post on a publicly available web page on
22 the department's Internet website the guidelines developed under
23 Section 119B.004 in a manner that is easily accessible and readily
24 understandable.

25 (b) The department shall annually update information posted
26 under this section based on the report submitted under Section
27 119B.005.

1 Sec. 119B.007. EXPIRATION. The advisory committee is
2 abolished and this chapter expires December 31, 2032.

3 Sec. 119B.008. RULES. The executive commissioner of the
4 Health and Human Services Commission may adopt rules as necessary
5 to implement this chapter.

6 SECTION 9. Subchapter D, Chapter 431, Health and Safety
7 Code, is amended by adding Sections 431.0815 and 431.0816 to read as
8 follows:

9 Sec. 431.0815. FOOD CONTAINING ARTIFICIAL COLOR,
10 ADDITIVES, OR CERTAIN BANNED CHEMICALS. (a) A food manufacturer
11 shall ensure each food product the manufacturer offers for sale in
12 this state includes a warning label disclosing the use of any of the
13 following ingredients in a product intended for human consumption:

- 14 (1) acesulfame potassium;
- 15 (2) acetylated esters of mono- and diglycerides
16 (acetic acid ester);
- 17 (3) anisole;
- 18 (4) aspartame;
- 19 (5) atrazine;
- 20 (6) azodicarbonamide (ADA);
- 21 (7) butylated hydroxyanisole (BHA);
- 22 (8) butylated hydroxytoluene (BHT);
- 23 (9) bleached flour;
- 24 (10) blue 1 (CAS 3844-45-9);
- 25 (11) blue 2 (CAS 860-22-0);
- 26 (12) bromated flour;
- 27 (13) calcium bromate;

- 1 (14) canthaxanthin;
- 2 (15) certified food colors by the United States Food
- 3 and Drug Administration;
- 4 (16) citrus red 2 (CAS 6358-53-8);
- 5 (17) diacetyl;
- 6 (18) diacetyl tartaric and fatty acid esters of mono-
- 7 and diglycerides (DATEM);
- 8 (19) dimethylamylamine (DMAA);
- 9 (20) dioctyl sodium sulfosuccinate (DSS);
- 10 (21) ficin;
- 11 (22) glyphosate;
- 12 (23) green 3 (CAS 2353-45-9);
- 13 (24) high fructose corn syrup;
- 14 (25) interesterified palm oil;
- 15 (26) interesterified soybean oil;
- 16 (27) lactylated fatty acid esters of glycerol and
- 17 propylene glycol;
- 18 (28) lye;
- 19 (29) morpholine;
- 20 (30) olestra;
- 21 (31) partially hydrogenated oil (PHO);
- 22 (32) potassium aluminum sulfate;
- 23 (33) potassium bromate;
- 24 (34) potassium iodate;
- 25 (35) potassium sorbate;
- 26 (36) propylene oxide;
- 27 (37) propylparaben;

- 1 (38) red 3 (CAS 16423-68-0);
- 2 (39) red 4 (CAS 4548-53-2);
- 3 (40) red 40 (CAS 25956-17-6);
- 4 (41) saccharine;
- 5 (42) sodium aluminum sulfate;
- 6 (43) sodium lauryl sulfate;
- 7 (44) sodium stearyl fumarate;
- 8 (45) stearyl tartrate;
- 9 (46) synthetic or artificial vanillin;
- 10 (47) synthetic trans fatty acid;
- 11 (48) thiodipropionic acid;
- 12 (49) titanium dioxide;
- 13 (50) toluene;
- 14 (51) yellow 5 (CAS 1934-21-0); and
- 15 (52) yellow 6 (CAS 2783-94-0).

16 (b) The warning label must:

17 (1) include the following statement if the food
18 contains an ingredient listed in Subsection (a), printed in a font
19 size not smaller than the smallest font used to disclose other
20 consumer information required by the United States Food and Drug
21 Administration:

22 "WARNING: This product contains an ingredient that is
23 not recommended for human consumption by the appropriate authority
24 in Australia, Canada, the European Union, or the United Kingdom.";

25 (2) be placed in a prominent and reasonably visible
26 location; and

27 (3) have sufficiently high contrast with the immediate

background to ensure the warning is likely to be seen and understood by the ordinary individual under customary conditions of purchase and use.

(c) A food manufacturer or, to the extent a food manufacturer provides the information required under this section to a retailer, a retailer that offers a product described by Subsection (a) for sale in this state on the manufacturer's or retailer's Internet website shall disclose to the consumer all labeling information required under Subsection (b) and department rule by:

(1) posting a legible statement on the manufacturer's or retailer's Internet website on which the product is offered for sale; or

(2) otherwise communicating the information to the consumer.

(d) This section does not apply to:

(1) an ingredient used in a product not intended for human consumption;

(2) food labeled, prepared, served, or sold in a restaurant; or

(3) food labeled, prepared, or served in a retail establishment.

(e) This section does not create a private cause of action for a violation of this section.

(f) For the purposes of this section, "food manufacturer" includes any manufacturer that offers a food product for sale in this state, regardless of where the product was originally

1 produced.

2 Sec. 431.0816. ENFORCEMENT BY ATTORNEY GENERAL. (a) If the
3 attorney general believes a manufacturer has violated or is
4 violating Section 431.0815, the attorney general may bring an
5 action on behalf of this state to enjoin the manufacturer from
6 violating that section.

7 (b) In addition to seeking an injunction under Subsection
8 (a), the attorney general may request and the court may order any
9 other relief that may be in the public interest, including:

10 (1) the imposition of a civil penalty in an amount not
11 to exceed \$50,000 per day for each distinct food product in
12 violation of Section 431.0815; and

13 (2) an order requiring reimbursement to this state for
14 the reasonable value of investigating and bringing an enforcement
15 action for a violation of Section 431.0815.

16 SECTION 10. Subchapter B, Chapter 156, Occupations Code, is
17 amended by adding Section 156.061 to read as follows:

18 Sec. 156.061. CONTINUING EDUCATION IN NUTRITION AND
19 METABOLIC HEALTH. (a) A physician licensed under this subtitle who
20 submits an application for renewal of a license to practice
21 medicine must complete, in accordance with this section and rules
22 adopted under this section, continuing medical education regarding
23 nutrition and metabolic health.

24 (b) The board shall adopt rules to implement this section.
25 The rules must prescribe:

26 (1) the number of hours of the continuing medical
27 education required by this section; and

1 (2) the content of the continuing medical education
2 required by this section based on the nutritional guidelines
3 recommended by the Texas Nutrition Advisory Committee under Chapter
4 119B, Health and Safety Code.

5 SECTION 11. Subchapter D, Chapter 204, Occupations Code, is
6 amended by adding Section 204.1563 to read as follows:

7 Sec. 204.1563. CONTINUING MEDICAL EDUCATION IN NUTRITION
8 AND METABOLIC HEALTH. (a) As part of continuing medical education
9 requirements under Section 204.1562, a license holder shall
10 complete, in accordance with this section and rules adopted under
11 this section, continuing medical education regarding nutrition and
12 metabolic health.

13 (b) The medical board, on recommendations of the physician
14 assistant board, shall adopt rules to implement this section. The
15 rules must prescribe:

16 (1) the number of hours of the continuing medical
17 education required by this section; and

18 (2) the content of the continuing medical education
19 required by this section based on the nutritional guidelines
20 recommended by the Texas Nutrition Advisory Committee under Chapter
21 119B, Health and Safety Code.

22 SECTION 12. Subchapter G, Chapter 301, Occupations Code, is
23 amended by adding Section 301.309 to read as follows:

24 Sec. 301.309. CONTINUING EDUCATION IN NUTRITION AND
25 METABOLIC HEALTH. (a) As part of continuing education
26 requirements under Section 301.303, a license holder shall
27 complete, in accordance with this section and rules adopted under

this section, continuing education regarding nutrition and metabolic health.

(b) The board shall adopt rules to implement this section. The rules must prescribe:

(1) the number of hours of the continuing education required by this section; and

(2) the content of the continuing education required by this section based on the nutritional guidelines recommended by the Texas Nutrition Advisory Committee under Chapter 119B, Health and Safety Code.

SECTION 13. Subchapter G, Chapter 701, Occupations Code, is amended by adding Sections 701.302 and 701.303 to read as follows:

Sec. 701.302. CONTINUING EDUCATION REQUIREMENTS. The commission by rule shall adopt and the department shall monitor and enforce a program for the continuing education of license holders as a condition for license renewal. The rules must:

(1) require a license holder to complete not more than 12 hours of continuing education as a prerequisite to renewal of the license under this chapter; and

(2) prescribe a process to assess a license holder's participation in continuing education courses.

Sec. 701.303. CONTINUING EDUCATION IN NUTRITION AND METABOLIC HEALTH. (a) As part of the continuing education requirements under Section 701.302, a license holder shall complete, in accordance with this section and rules adopted under this section, continuing education regarding nutrition and metabolic health.

1 (b) The commission shall adopt rules to implement this
2 section. The rules must prescribe:

3 (1) the number of hours of the continuing education
4 required by this section; and

5 (2) the content of the continuing education required
6 by this section based on the nutritional guidelines recommended by
7 the Texas Nutrition Advisory Committee under Chapter 119B, Health
8 and Safety Code.

9 SECTION 14. Section 701.304, Occupations Code, is amended
10 to read as follows:

11 Sec. 701.304. GROUNDS FOR REFUSING RENEWAL. The
12 commission or department may refuse to renew the license of a person
13 who fails to:

14 (1) pay an administrative penalty imposed under
15 Subchapter K, unless enforcement of the penalty is stayed or a court
16 has ordered that the administrative penalty is not owed; or

17 (2) complete the continuing education requirements
18 under Section 701.302.

19 SECTION 15. (a) Section 28.002(1), Education Code, as
20 amended by this Act, applies only to students entering the sixth
21 grade during the 2026-2027 school year or a later school year. For
22 students entering a grade above sixth grade during the 2026-2027
23 school year, Section 28.002(1), Education Code, as that section
24 existed before amendment by this Act, applies, and that section is
25 continued in effect for that purpose.

26 (b) Sections 28.002(u) and 28.0115, Education Code, as
27 added by this Act, apply beginning with the 2027-2028 school year.

1 SECTION 16. Section 51.3025, Education Code, as added by
2 this Act, applies beginning with entering students enrolling in an
3 associate or baccalaureate degree program at a public institution
4 of higher education on or after July 1, 2027.

5 SECTION 17. (a) Not later than July 1, 2027, a
6 health-related institution of higher education shall develop and
7 implement curriculum required by Sections 63.0025, 63.103,
8 63.2025, and 63.303, Education Code, as added by this Act, to remain
9 eligible for funding under those sections.

10 (b) A health-related institution of higher education is not
11 required to comply with Sections 63.0025, 63.103, 63.2025, and
12 63.303, Education Code, as added by this Act, until July 1, 2027.

13 SECTION 18. (a) Not later than December 31, 2025, the
14 governor shall appoint the members of the Texas Nutrition Advisory
15 Committee established under Chapter 119B, Health and Safety Code,
16 as added by this Act, and shall provide for staggered member terms
17 as required by that chapter.

18 (b) Not later than September 1, 2026, the Texas Nutrition
19 Advisory Committee shall prepare and submit to the Department of
20 State Health Services, the governor, the lieutenant governor, the
21 speaker of the house of representatives, and each standing
22 committee of the legislature with primary jurisdiction over health
23 and safety the initial report required under Section 119B.005,
24 Health and Safety Code, as added by this Act.

25 (c) As soon as practicable after the submission of the
26 report under Subsection (b) of this section, the Department of
27 State Health Services shall post information required under Section

1 119B.006, Health and Safety Code, as added by this Act, on the
2 department's Internet website.

3 SECTION 19. (a) Not later than December 31, 2025, the
4 executive commissioner of the Health and Human Services Commission
5 shall adopt rules to implement changes made by Section 431.0815,
6 Health and Safety Code, as added by this Act.

7 (b) Section 431.0815, Health and Safety Code, as added by
8 this Act, applies only to a food product label developed or
9 copyrighted on or after January 1, 2027.

10 SECTION 20. (a) Section 156.061, Occupations Code, as
11 added by this Act, applies only to an application for license
12 renewal filed on or after January 1, 2027. An application for
13 license renewal filed before that date is governed by the law in
14 effect on the date the application was filed, and the former law is
15 continued in effect for that purpose.

16 (b) Not later than December 31, 2026, the Texas Medical
17 Board shall adopt the rules required by Section 156.061,
18 Occupations Code, as added by this Act.

19 SECTION 21. (a) Section 204.1563, Occupations Code, as
20 added by this Act, applies only to an application for license
21 renewal filed on or after January 1, 2027. An application for
22 license renewal filed before that date is governed by the law in
23 effect on the date the application was filed, and the former law is
24 continued in effect for that purpose.

25 (b) Not later than December 31, 2026, the Texas Medical
26 Board shall adopt the rules required by Section 204.1563,
27 Occupations Code, as added by this Act.

1 SECTION 22. (a) Section 301.309, Occupations Code, as
2 added by this Act, applies only to an application for license
3 renewal filed on or after January 1, 2027. An application for
4 license renewal filed before that date is governed by the law in
5 effect on the date the application was filed, and the former law is
6 continued in effect for that purpose.

7 (b) Not later than December 31, 2026, the Texas Board of
8 Nursing shall adopt the rules required by Section 301.309,
9 Occupations Code, as added by this Act.

10 SECTION 23. (a) Sections 701.302 and 701.303, Occupations
11 Code, as added by this Act, apply only to an application for license
12 renewal filed on or after January 1, 2027. An application for
13 license renewal filed before that date is governed by the law in
14 effect on the date the application was filed, and the former law is
15 continued in effect for that purpose.

16 (b) Not later than December 31, 2026, the Texas Commission
17 of Licensing and Regulation shall adopt the rules required by
18 Sections 701.302 and 701.303, Occupations Code, as added by this
19 Act.

20 SECTION 24. This Act takes effect September 1, 2025.