

1-1 By: Kolkhorst, et al. S.B. No. 25  
1-2 (In the Senate - Filed February 20, 2025;  
1-3 February 20, 2025, read first time and referred to Committee on  
1-4 Health & Human Services; March 10, 2025, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 9,  
1-6 Nays 0; March 10, 2025, sent to printer.)

1-7 COMMITTEE VOTE

1-8	Yea	Nay	Absent	PNV
1-9	Kolkhorst	X		
1-10	Perry	X		
1-11	Blanco	X		
1-12	Cook	X		
1-13	Hall	X		
1-14	Hancock	X		
1-15	Hughes	X		
1-16	Miles	X		
1-17	Sparks	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 25 By: Hughes

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to health and nutrition standards to promote healthy  
1-22 living; authorizing a civil penalty.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 28.002, Education Code, is amended by  
1-25 amending Subsection (1) and adding Subsection (1-4) to read as  
1-26 follows:

1-27 (1) A school district or open-enrollment charter school  
1-28 shall require a student enrolled in full-day prekindergarten, in  
1-29 kindergarten, or in a grade level below grade six to participate in  
1-30 moderate or vigorous daily physical activity for at least 30  
1-31 minutes throughout the school year as part of the district's or  
1-32 school's physical education curriculum or through structured  
1-33 activity during a school campus's daily recess. To the extent  
1-34 practicable, a school district or open-enrollment charter school  
1-35 shall require a student enrolled in prekindergarten on less than a  
1-36 full-day basis to participate in the same type and amount of  
1-37 physical activity as a student enrolled in full-day  
1-38 prekindergarten. A school district or open-enrollment charter  
1-39 school shall require students enrolled in grade levels six, seven,  
1-40 and eight to participate in moderate or vigorous daily physical  
1-41 activity for at least 30 minutes for at least six ~~four~~ semesters  
1-42 during those grade levels as part of the district's or school's  
1-43 physical education curriculum. If a school district or  
1-44 open-enrollment charter school determines, for any particular  
1-45 grade level below grade six, that requiring moderate or vigorous  
1-46 daily physical activity is impractical due to scheduling concerns  
1-47 or other factors, the district or school may as an alternative  
1-48 require a student in that grade level to participate in moderate or  
1-49 vigorous physical activity for at least 135 minutes during each  
1-50 school week. Additionally, a school district or open-enrollment  
1-51 charter school may as an alternative require a student enrolled in a  
1-52 grade level for which the district or school uses block scheduling  
1-53 to participate in moderate or vigorous physical activity for at  
1-54 least 225 minutes during each period of two school weeks. A school  
1-55 district or open-enrollment charter school must provide for an  
1-56 exemption for:

1-57 (1) any student who is unable to participate in the  
1-58 required physical activity because of illness or disability; and

1-59 (2) a middle school or junior high school student who  
1-60 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.

(1-4) 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.

SECTION 2. Section 28.025, Education Code, is amended by amending Subsection (b-1) and adding Subsection (b-24) to read as follows:

(b-1) The State Board of Education by rule shall require that the curriculum requirements for the foundation high school program under Subsection (a) include a requirement that students successfully complete:

(1) four credits in English language arts under Section 28.002(a)(1)(A), including one credit in English I, one credit in English II, one credit in English III, and one credit in an advanced English course authorized under Subsection (b-2);

(2) three credits in mathematics under Section 28.002(a)(1)(B), including one credit in Algebra I, one credit in geometry, and one credit in any advanced mathematics course authorized under Subsection (b-2);

(3) three credits in science under Section 28.002(a)(1)(C), including one credit in biology, one credit in any advanced science course authorized under Subsection (b-2), and one credit in integrated physics and chemistry or in an additional advanced science course authorized under Subsection (b-2);

(4) three credits in social studies under Section 28.002(a)(1)(D), including one credit in United States history, at least one-half credit in government and at least one-half credit in economics or personal financial literacy & economics, and one credit in world geography or world history;

(5) except as provided under Subsections (b-12), (b-13), and (b-14), two credits in the same language in a language other than English under Section 28.002(a)(2)(A);

(6) four and one-half ~~[five]~~ elective credits;

(7) one credit in fine arts under Section 28.002(a)(2)(D); ~~[and]~~

(8) except as provided by Subsection (b-11), one credit in physical education under Section 28.002(a)(2)(C); and

(9) one-half credit in nutrition education.

(b-24) In adopting rules under Subsection (b-1), the State Board of Education shall ensure that a course on nutrition education taken to comply with the requirement under Subsection (b-1)(9) includes curriculum requirements based on nutritional guidelines recommended by the Texas Nutrition Advisory Committee established under Chapter 119B, Health and Safety Code.

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

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

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

Sec. 63.103. REQUIRED NUTRITION CURRICULUM. A health-related institution of higher education listed in Section 63.101(a) is eligible for distribution of money from a fund established 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 health-related majors who are enrolled at the institution to successfully complete the curriculum requirements developed under Subdivision (1).

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

Sec. 63.2025. 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 students in nursing, allied health, or other health-related majors 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 health-related majors 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;
- (2) one licensed physician certified in functional medicine;
- (3) one member representing the Texas Department of

Agriculture;

(4) one member representing a rural community; and

(5) one member representing an urban community.

(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 institution.

(c) The governor may not appoint as an advisory committee member an individual who:

(1) owns or controls an ownership interest in a food, beverage, or pharmaceutical manufacturing company; or

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

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

(e) Advisory committee members serve staggered two-year terms.

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

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

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

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

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

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

(1) a summary of the scientific studies;

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

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

Sec. 119B.006. DEPARTMENT NUTRITIONAL GUIDELINES WEBPAGE.

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

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

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



5-1 Sec. 119B.008. RULES. The executive commissioner of the  
 5-2 Health and Human Services Commission may adopt rules as necessary  
 5-3 to implement this chapter.

5-4 SECTION 9. Subchapter D, Chapter 431, Health and Safety  
 5-5 Code, is amended by adding Sections 431.0815 and 431.0816 to read as  
 5-6 follows:

5-7 Sec. 431.0815. FOOD CONTAINING ARTIFICIAL COLOR,  
 5-8 ADDITIVES, OR CERTAIN BANNED CHEMICALS. (a) A food manufacturer  
 5-9 shall label each product the manufacturer offers for sale with a  
 5-10 warning label disclosing the use of any of the following  
 5-11 ingredients in a product intended for human consumption:

- 5-12 (1) acesulfame potassium;
- 5-13 (2) acetylated esters of mono- and diglycerides  
 5-14 (acetic acid ester);
- 5-15 (3) activated charcoal;
- 5-16 (4) anisole;
- 5-17 (5) atrazine;
- 5-18 (6) azodicarbonamide (ADA);
- 5-19 (7) butylated hydroxyanisole (BHA);
- 5-20 (8) butylated hydroxytoluene (BHT);
- 5-21 (9) bleached flour;
- 5-22 (10) blue 1 (CAS 3844-45-9);
- 5-23 (11) blue 2 (CAS 860-22-0);
- 5-24 (12) bromated flour;
- 5-25 (13) calcium bromate;
- 5-26 (14) canthaxanthin;
- 5-27 (15) carrageenan;
- 5-28 (16) certified food colors by the United States Food  
 5-29 and Drug Administration;
- 5-30 (17) citrus red 2 (CAS 6358-53-8);
- 5-31 (18) diacetyl;
- 5-32 (19) diacetyl tartaric and fatty acid esters of mono-  
 5-33 and diglycerides (DATEM);
- 5-34 (20) dimethylamylamine (DMAA);
- 5-35 (21) dioctyl sodium sulfosuccinate (DSS);
- 5-36 (22) ficin;
- 5-37 (23) green 3 (CAS 2353-45-9);
- 5-38 (24) interesterified palm oil;
- 5-39 (25) interesterified soybean oil;
- 5-40 (26) lactylated fatty acid esters of glycerol and  
 5-41 propylene glycol;
- 5-42 (27) lye;
- 5-43 (28) melatonin;
- 5-44 (29) morpholine;
- 5-45 (30) olestra;
- 5-46 (31) partially hydrogenated oil (PHO);
- 5-47 (32) potassium aluminum sulfate;
- 5-48 (33) potassium bromate;
- 5-49 (34) potassium iodate;
- 5-50 (35) potassium sorbate;
- 5-51 (36) propylene oxide;
- 5-52 (37) propylparaben;
- 5-53 (38) red 3 (CAS 16423-68-0);
- 5-54 (39) red 4 (CAS 4548-53-2);
- 5-55 (40) red 40 (CAS 25956-17-6);
- 5-56 (41) sodium aluminum sulfate;
- 5-57 (42) sodium lauryl sulfate;
- 5-58 (43) sodium stearyl fumarate;
- 5-59 (44) stearyl tartrate;
- 5-60 (45) synthetic or artificial vanillin;
- 5-61 (46) synthetic trans fatty acid;
- 5-62 (47) thiodipropionic acid;
- 5-63 (48) titanium dioxide;
- 5-64 (49) toluene;
- 5-65 (50) yellow 5 (CAS 1934-21-0); and
- 5-66 (51) yellow 6 (CAS 2783-94-0).

5-67 (b) The warning label must:  
 5-68 (1) include the following statement if the food  
 5-69 contains an artificial color, chemical, or food additive, printed

in a font size not smaller than the largest font used to disclose other consumer information:

"WARNING: This product contains an artificial color, chemical, or food additive that is banned in Australia, Canada, the European Union, or the United Kingdom.";

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

(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 that offers a product described by Subsection (a) for sale on the manufacturer'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 Internet website; or

(2) otherwise communicating the information to the consumer.

(d) This section does not apply to an ingredient used in a product not intended for human consumption.

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

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

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

(1) the imposition of a civil penalty in an amount not to exceed \$50,000 for each violation of Section 431.0815; and

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

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

Sec. 156.061. CONTINUING EDUCATION IN NUTRITION AND METABOLIC HEALTH. (a) A physician licensed under this subtitle who submits an application for renewal of a license to practice medicine must complete, in accordance with this section and rules adopted under this section, continuing medical 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 medical education required by this section; and

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

SECTION 11. (a) Section 28.002(1), Education Code, as amended by this Act, applies only to students entering the sixth grade during the 2026-2027 school year or a later school year. For students entering a grade above sixth grade during the 2026-2027 school year, Section 28.002(1), Education Code, as that section existed before amendment by this Act, applies, and that section is continued in effect for that purpose.

(b) Section 28.025(b-1), Education Code, as amended by this Act, applies only to students entering the ninth grade during the 2027-2028 school year or a later school year. For students entering a grade above ninth grade during the 2027-2028 school year, Section 28.025(b-1), Education Code, as that section existed before amendment by this Act, applies, and that section is continued in effect for that purpose.

SECTION 12. Section 51.3025, Education Code, as added by this Act, applies beginning with entering students enrolling in an associate or baccalaureate degree program at a public institution

7-1 of higher education on or after July 1, 2027.

7-2 SECTION 13. (a) Not later than July 1, 2027, a  
7-3 health-related institution of higher education shall develop and  
7-4 implement curriculum required by Sections 63.0025, 63.103,  
7-5 63.2025, and 63.303, Education Code, as added by this Act, to remain  
7-6 eligible for funding under those sections.

7-7 (b) A health-related institution of higher education is not  
7-8 required to comply with Sections 63.0025, 63.103, 63.2025, and  
7-9 63.303, Education Code, as added by this Act, until July 1, 2027.

7-10 SECTION 14. (a) Not later than December 31, 2025, the  
7-11 governor shall appoint the members of the Texas Nutrition Advisory  
7-12 Committee established under Chapter 119B, Health and Safety Code,  
7-13 as added by this Act, and shall provide for staggered member terms  
7-14 as required by that chapter.

7-15 (b) Not later than September 1, 2026, the Texas Nutrition  
7-16 Advisory Committee shall prepare and submit to the Department of  
7-17 State Health Services, the governor, the lieutenant governor, the  
7-18 speaker of the house, and each standing committee of the  
7-19 legislature with primary jurisdiction over health and safety the  
7-20 initial report required under Section 119B.005, Health and Safety  
7-21 Code, as added by this Act.

7-22 (c) As soon as practicable after the submission of the  
7-23 report under Subsection (b) of this section, the Department of  
7-24 State Health Services shall post information required under Section  
7-25 119B.006, Health and Safety Code, as added by this Act, on the  
7-26 department's Internet website.

7-27 SECTION 15. (a) Not later than December 31, 2025, the  
7-28 executive commissioner of the Health and Human Services Commission  
7-29 shall adopt rules to implement changes made by Section 431.0815,  
7-30 Health and Safety Code, as added by this Act.

7-31 (b) Section 431.0815, Health and Safety Code, as added by  
7-32 this Act, applies only to a food product label developed or  
7-33 copyrighted on or after January 1, 2027.

7-34 SECTION 16. (a) Section 156.061, Occupations Code, as  
7-35 added by this Act, applies only to an application for license  
7-36 renewal filed on or after January 1, 2027. An application for  
7-37 license renewal filed before that date is governed by the law in  
7-38 effect on the date the application was filed, and the former law is  
7-39 continued in effect for that purpose.

7-40 (b) Not later than December 31, 2026, the Texas Medical  
7-41 Board shall adopt the rules required by Section 156.061,  
7-42 Occupations Code, as added by this Act.

7-43 SECTION 17. This Act takes effect September 1, 2025.

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