

By: Dawson

H.B. No. 2349

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to regulation of frozen dessert products and  
3 manufacturing.

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

5 SECTION 1. Subchapter A, Chapter 431, Health and Safety  
6 Code, is amended by adding Section 431.009 to read as follows:

7 Sec. 431.009. APPLICABILITY OF CHAPTER TO FROZEN DESSERTS.

8 (a) This chapter applies to a frozen dessert, an imitation frozen  
9 dessert, a product sold in semblance of a frozen dessert, or a mix  
10 for one of those products subject to Chapter 440. A frozen dessert,  
11 an imitation frozen dessert, a product sold in semblance of a frozen  
12 dessert, or a mix for one of those products is food for purposes of  
13 this chapter.

14 (b) Except as provided by Subsection (c), this chapter  
15 applies to the conduct of a person licensed under Chapter 440.

16 (c) A person who holds a license under Chapter 440 related  
17 to the manufacturing of a product regulated under that chapter and  
18 is engaging in conduct within the scope of that license is not  
19 required to hold a license as a food manufacturer or food wholesaler  
20 under Subchapter J.

21 SECTION 2. Section 431.2211, Health and Safety Code, is  
22 amended by adding Subsection (a-1) to read as follows:

23 (a-1) A person is not required to hold a license under this  
24 subchapter if the person holds a license under Chapter 440 and is

1 engaging in conduct within the scope of that license.

2 SECTION 3. Subchapter A, Chapter 440, Health and Safety  
3 Code, is amended by adding Section 440.007 to read as follows:

4 Sec. 440.007. APPLICABILITY OF OTHER LAW. Except as  
5 provided by Section 431.009(c), Chapter 431 applies to a person or  
6 product regulated under this chapter, including a frozen dessert  
7 manufacturer, a frozen dessert, an imitation frozen dessert, a  
8 product sold in semblance of a frozen dessert, and a mix for one of  
9 those products.

10 SECTION 4. Subchapter B, Chapter 440, Health and Safety  
11 Code, is amended by adding Section 440.017 to read as follows:

12 Sec. 440.017. REFUSAL TO GRANT LICENSE; SUSPENSION OR  
13 REVOCAATION OF LICENSE. In accordance with rules adopted under  
14 Section 440.006, the commissioner may refuse an application for a  
15 license under this chapter or may suspend or revoke a license issued  
16 under this chapter.

17 SECTION 5. Section 440.031, Health and Safety Code, is  
18 amended by adding Subsection (c) to read as follows:

19 (c) The inspection procedures provided by this section are  
20 in addition to the procedures provided by Chapter 431.

21 SECTION 6. Section 440.032(c), Health and Safety Code, is  
22 amended to read as follows:

23 (c) The penalty prescribed by this section is in addition to  
24 any civil or administrative penalty or sanction otherwise imposed  
25 under Chapter 431 or other ~~by~~ law.

26 SECTION 7. This Act takes effect September 1, 2003.