

1-1 By: Carona S.B. No. 1454
1-2 (In the Senate - Filed March 13, 2003; March 20, 2003, read
1-3 first time and referred to Committee on Business and Commerce;
1-4 April 7, 2003, reported favorably by the following vote: Yeas 8,
1-5 Nays 0; April 7, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to regulation of frozen dessert products and
1-9 manufacturing.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter A, Chapter 431, Health and Safety
1-12 Code, is amended by adding Section 431.009 to read as follows:

1-13 Sec. 431.009. APPLICABILITY OF CHAPTER TO FROZEN DESSERTS.

1-14 (a) This chapter applies to a frozen dessert, an imitation frozen
1-15 dessert, a product sold in semblance of a frozen dessert, or a mix
1-16 for one of those products subject to Chapter 440. A frozen dessert,
1-17 an imitation frozen dessert, a product sold in semblance of a frozen
1-18 dessert, or a mix for one of those products is food for purposes of
1-19 this chapter.

1-20 (b) Except as provided by Subsection (c), this chapter
1-21 applies to the conduct of a person licensed under Chapter 440.

1-22 (c) A person who holds a license under Chapter 440 related
1-23 to the manufacturing of a product regulated under that chapter and
1-24 is engaging in conduct within the scope of that license is not
1-25 required to hold a license as a food manufacturer or food wholesaler
1-26 under Subchapter J.

1-27 SECTION 2. Section 431.2211, Health and Safety Code, is
1-28 amended by adding Subsection (a-1) to read as follows:

1-29 (a-1) A person is not required to hold a license under this
1-30 subchapter if the person holds a license under Chapter 440 and is
1-31 engaging in conduct within the scope of that license.

1-32 SECTION 3. Subchapter A, Chapter 440, Health and Safety
1-33 Code, is amended by adding Section 440.007 to read as follows:

1-34 Sec. 440.007. APPLICABILITY OF OTHER LAW. Except as
1-35 provided by Section 431.009(c), Chapter 431 applies to a person or
1-36 product regulated under this chapter, including a frozen dessert
1-37 manufacturer, a frozen dessert, an imitation frozen dessert, a
1-38 product sold in semblance of a frozen dessert, and a mix for one of
1-39 those products.

1-40 SECTION 4. Subchapter B, Chapter 440, Health and Safety
1-41 Code, is amended by adding Section 440.017 to read as follows:

1-42 Sec. 440.017. REFUSAL TO GRANT LICENSE; SUSPENSION OR
1-43 REVOCAATION OF LICENSE. In accordance with rules adopted under
1-44 Section 440.006, the commissioner may refuse an application for a
1-45 license under this chapter or may suspend or revoke a license issued
1-46 under this chapter.

1-47 SECTION 5. Section 440.031, Health and Safety Code, is
1-48 amended by adding Subsection (c) to read as follows:

1-49 (c) The inspection procedures provided by this section are
1-50 in addition to the procedures provided by Chapter 431.

1-51 SECTION 6. Subsection (c), Section 440.032, Health and
1-52 Safety Code, is amended to read as follows:

1-53 (c) The penalty prescribed by this section is in addition to
1-54 any civil or administrative penalty or sanction otherwise imposed
1-55 under Chapter 431 or other [by] law.

1-56 SECTION 7. This Act takes effect September 1, 2003.

1-57 * * * * *