

By: Leibowitz

H.B. No. 2446

A BILL TO BE ENTITLED

AN ACT

relating to serving expired food in public primary and secondary schools; providing a penalty.

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

SECTION 1. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.017 to read as follows:

Sec. 38.017. SERVING EXPIRED FOOD PROHIBITED. (a) A public school may not serve food if a label on the food packaging indicates a date by which the food should be sold or used or a date for which the food is recommended for use and that date has passed.

(b) A vendor who provides food to a public school may not deliver food if a label on the food packaging indicates a date by which the food should be sold or used or a date for which the food is recommended for use and that date:

(1) has passed; or

(2) will pass before the vendor's next scheduled delivery date.

(c) The commissioner by rule shall adopt procedures to implement this section.

(d) After an opportunity for a hearing, the commissioner may impose an administrative penalty on a school district or vendor that violates this section or a rule adopted under this section.

(e) The amount of an administrative penalty under this section is:

1 (1) \$1,000 for each violation by a school district;
2 and
3 (2) \$5,000 for the first violation by a vendor and
4 \$10,000 for each subsequent violation.

5 (f) The attorney general, at the request of the
6 commissioner, may bring an action to collect the penalty.

7 SECTION 2. This Act applies beginning with the 2005-2006
8 school year.

9 SECTION 3. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2005.