

## **BILL ANALYSIS**

Senate Research Center  
81R1041 SJM-D

S.B. 204  
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Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

From 2000 to 2007, the obesity rate in Texas increased from 23 percent to 29 percent. The Texas State Demographer has predicted that 15 million Texans will be obese by the year 2040. Cardiac disease, stroke, and cancer are the three leading causes of death in the United States, and obesity is a contributing factor to each. In addition, obesity is highly correlated with type-2 diabetes, the fifth-leading cause of death. Currently, diabetes affects 1.8 million adult Texans. Finally, high obesity rates translate into enormous health costs. In fact, the Texas Department of State Health Services has reported that economic costs related to obesity could reach as much as \$39 billion by 2040.

As proposed, S.B. 204 prohibits restaurants and other food service establishments from preparing and/or serving food with trans fat. The bill requires food service establishments to provide an original label for any food or food additive containing a fat, if the food is used, stored, or served by the restaurant. S.B. 204 exempts packaged foods served in an original package with a label indicating that the food has a trans fat content of less than 0.5 grams per serving.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 438, Health and Safety Code, by adding Subchapter H, as follows:

#### **SUBCHAPTER H. FOODS CONTAINING TRANS FAT**

Sec. 438.121. DEFINITIONS. Defines "food," "label," "food service establishment," and "trans fat."

Sec. 438.122. MAINTENANCE OF FOOD LABELS FOR INSPECTION. (a) Requires a food service establishment (establishment) to maintain on the establishment's premises an original label for any food or food additive that contains a fat for as long as the food or food additive is used, stored, or served by the establishment.

(b) Requires an establishment, on request, to make a label required under Subsection (a) available to a person conducting an inspection under Section 437.009 (Inspections).

Sec. 438.123. USE OF TRANS FAT PROHIBITED. (a) Prohibits an establishment from packaging, storing, or using a trans fat to prepare or serve food, except for a trans fat used to deep-fry yeast dough or cake batter.

(b) Exempts the storage of a packaged food to be served in its original package with a label indicating that the food has a trans fat content of less than 0.5 grams per serving from Subsection (a).

Sec. 438.124. FOODS CONTAINING TRANS FAT PROHIBITED. (a) Prohibits an establishment from preparing, packaging, storing, or serving a food containing trans fat.

(b) Exempts a yeast dough or cake batter prepared with or containing a trans fat or a packaged food served in an original package with a label indicating that the food has a trans fat content of less than 0.5 grams per serving from Subsection (a).

Sec. 438.125. CRIMINAL PENALTY. (a) Provides that a person commits an offense if the person violates this subchapter.

(b) Provides that an offense under this subchapter is a misdemeanor punishable by a fine of not less than \$25 or more than \$200.

SECTION 2. Provides that the effective date for this Act is September 1, 2009, the effective date for Section 438.123, Health and Safety Code, is September 1, 2010, and the effective date for Section 438.124, Health and Safety Code, is September 1, 2011.