

By: Shapleigh

S.B. No. 204

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition of foods containing trans fat; providing a criminal penalty.

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

SECTION 1. Chapter 438, Health and Safety Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. FOODS CONTAINING TRANS FAT

Sec. 438.121. DEFINITIONS. In this subchapter:

(1) "Food" and "label" have the meanings assigned by Section 431.002.

(2) "Food service establishment" means a business that sells or otherwise serves individual portions of food, intended for human consumption, directly to the consumer.

(3) "Trans fat" means a food or food additive artificially created by partial hydrogenation.

Sec. 438.122. MAINTENANCE OF FOOD LABELS FOR INSPECTION.

(a) A food service establishment shall maintain on the food service 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 food service establishment.

(b) On request, a food service establishment shall make a label required under Subsection (a) available to a person conducting an inspection under Section 437.009.

1 Sec. 438.123. USE OF TRANS FAT PROHIBITED. (a) A food
2 service establishment may not package, store, or use a trans fat to
3 prepare or serve food, except for a trans fat used to deep-fry yeast
4 dough or cake batter.

5 (b) Subsection (a) does not apply to the storage of a
6 packaged food to be served in its original package with a label
7 indicating that the food has a trans fat content of less than 0.5
8 grams per serving.

9 Sec. 438.124. FOODS CONTAINING TRANS FAT PROHIBITED. (a) A
10 food service establishment may not prepare, package, store, or
11 serve a food containing trans fat.

12 (b) Subsection (a) does not apply to:

13 (1) a yeast dough or cake batter prepared with or
14 containing a trans fat; or

15 (2) a packaged food served in an original package with
16 a label indicating that the food has a trans fat content of less
17 than 0.5 grams per serving.

18 Sec. 438.125. CRIMINAL PENALTY. (a) A person commits an
19 offense if the person violates this subchapter.

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

22 SECTION 2. This Act takes effect September 1, 2009, except
23 that Section 438.123, Health and Safety Code, as added by this Act,
24 takes effect September 1, 2010, and Section 438.124, Health and
25 Safety Code, as added by this Act, takes effect September 1, 2011.