

## **BILL ANALYSIS**

C.S.H.B. 1151  
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Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Over the past three decades, obesity rates in America have increased dramatically. Numerous studies strongly support a link between obesity and the consumption of sweetened beverages and fatty food items. According to some nutritional standards, sweetened beverages that contain large amounts of sugar, such as soft drinks, energy drinks, sweet teas, and sports drinks, offer little to no nutritional value and food items with high amounts of fat per serving have been shown to lead to obesity, diabetes, and heart-related health issues. Many observers oppose any state support for the consumption of these items.

C.S.H.B. 1151 seeks to prohibit recipients of supplemental nutrition assistance benefits from using the benefits to purchase certain sweetened beverages and food items.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1151 amends the Human Resources Code to prohibit a recipient of supplemental nutrition assistance benefits from using the benefits to purchase a sweetened beverage, candy ordinarily packaged and sold for consumption without further preparation, potato or corn chips ordinarily packaged and sold for consumption without further preparation, or cookies ordinarily packaged and sold for consumption without further preparation. The bill exempts from the prohibition the purchase of the following products: a milk product or a product containing milk or a milk protein; a milk substitute, including soy milk, rice milk, or almond milk; a beverage in which the only added sweetener does not add calories to the beverage; a beverage intended by the manufacturer for consumption by an infant that is commonly referred to as "infant formula"; a beverage intended by the manufacturer for use for weight reduction; a fruit or vegetable juice to which no sugar has been added; a beverage or other product intended for use as recommended by a health care professional; a beverage or other product that contains plant protein sources; or a product that is fortified with a vitamin or mineral and contains a source of protein.

C.S.H.B. 1151 defines "milk product" and "sweetened beverage." The bill requires a state agency that is affected by a provision of the bill to request a federal waiver or authorization if the agency determines that a waiver or authorization is necessary for the implementation of the provision, and it authorizes the agency to delay implementation until the federal waiver or authorization is obtained.

### **EFFECTIVE DATE**

September 1, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 1151 omits a provision included in the original defining "sugary food item."

C.S.H.B. 1151 differs from the original, in the list of items that are prohibited from being purchased using supplemental nutrition assistance benefits, by including candy, potato or corn chips, or cookies that are ordinarily packaged and sold for consumption without further preparation, whereas the original listed a sugary food item or any food item, regardless of natural or artificial sweetener content, that contains more than 10 grams of fat per serving, according to the manufacturer's label on the food or other documentation by the manufacturer, as required by state or federal law.

C.S.H.B. 1151 contains a provision not included in the original exempting from the prohibition the following products: a product containing milk or a milk protein, a beverage or other product intended for use as recommended by a health care professional, a beverage or other product that contains plant protein sources, or a product that is fortified with a vitamin or mineral and contains a source of protein. The substitute differs from the original in nonsubstantive ways.