

BILL ANALYSIS

Senate Research Center
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S.B. 1533
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Nearly 10 million children and adolescents ages six to 19 are considered overweight and an increasing number are being treated for hypertension, a risk factor for chronic diseases. It is estimated that by 2011, over 20 percent of children in the United States will be obese. Unhealthy foods and beverages are available throughout the day in many schools across the country and only 21 percent of high schools students have reported eating fruits and vegetables five or more times a day.

Industrially produced trans fat, which offers no nutritional value, is found in food products that are made with partially hydrogenated vegetable oil such as those found in some cookies and fried foods. Health and education leaders agree that one of the most critical steps to helping children practice healthy eating habits is to establish policies and programs that increase access to healthy foods and beverages.

S.B. 1533 requires that all school districts restrict foods that contain industrially produced trans fat or that was prepared using another food that contains industrially produced trans fat including vending machines and any food service establishment within each school.

As proposed, S.B. 1533 amends current law relating to restrictions on school districts making available to students food containing industrially produced trans fat.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted the commissioner of education in SECTION 1 (Section 38.0111, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 38, Education Code, by adding Section 38.0111, as follows:

Sec. 38.0111. RESTRICTIONS ON FOOD CONTAINING INDUSTRIALLY PRODUCED TRANS FAT. (a) Defines, in this section, "industrially produced trans fat" and "school food service establishment."

(b) Prohibits a school district, except as provided by Subsection (c) or (d), from making available to students through a vending machine or a school food service establishment a food that contains industrially produced trans fat or that was prepared using another food that contains industrially produced trans fat.

(c) Provides that Subsection (b) does not apply on a day that school is not in session or:

(1) earlier than 30 minutes before the beginning of the first scheduled class of the day; or

(2) later than 30 minutes after the conclusion of the last scheduled class of the day.

(d) Provides that Subsection (b) does not apply to a food that:

(1) is provided to a school district as part of a United States Department of Agriculture meal program; or

(2) contains zero grams of trans fat per serving, according to the manufacturer's documentation or the label on the food, as required by state or federal law or regulations.

(e) Authorizes the commissioner of education to adopt rules as necessary for the administration of this section.

SECTION 2. Provides that Section 38.0111, Education Code, as added by this Act, applies beginning with the 2012-2013 school year.

SECTION 3. Effective date: September 1, 2011.