

By: Raymond

H.B. No. 1151

Substitute the following for H.B. No. 1151:

By: Gonzalez

C.S.H.B. No. 1151

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the purchase of certain food items under the Supplemental Nutrition Assistance Program.

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

SECTION 1. Chapter 33, Human Resources Code, is amended by adding Section 33.030 to read as follows:

Sec. 33.030. PURCHASE OF CERTAIN FOOD ITEMS PROHIBITED UNDER SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM. (a) In this section:

(1) "Milk product" means a natural milk product regardless of animal source or butterfat content and regardless of whether reconstituted, including milk in liquid form, milk concentrate, and dehydrated milk.

(2) "Sweetened beverage" means a nonalcoholic beverage to which a natural or artificial sweetener is added that is sold for human consumption, including a soft drink, a fruit or vegetable juice, and other flavored beverages.

(b) Except as provided by Subsection (c), a recipient may not use supplemental nutrition assistance benefits to purchase:

(1) a sweetened beverage;

(2) candy ordinarily packaged and sold for consumption without further preparation;

(3) potato or corn chips ordinarily packaged and sold for consumption without further preparation; or

1 (4) cookies ordinarily packaged and sold for
2 consumption without further preparation.

3 (c) The prohibition under Subsection (b) does not apply to
4 the purchase of:

5 (1) a milk product or a product containing milk or a
6 milk protein;

7 (2) a milk substitute, including soy milk, rice milk,
8 or almond milk;

9 (3) a beverage in which the only added sweetener does
10 not add calories to the beverage;

11 (4) a beverage intended by the manufacturer for
12 consumption by an infant that is commonly referred to as "infant
13 formula";

14 (5) a beverage intended by the manufacturer for use
15 for weight reduction;

16 (6) a fruit or vegetable juice to which no sugar has
17 been added;

18 (7) a beverage or other product intended for use as
19 recommended by a health care professional, as defined by Section
20 247.067, Health and Safety Code;

21 (8) a beverage or other product that contains plant
22 protein sources; or

23 (9) a product that:

24 (A) is fortified with a vitamin or mineral; and

25 (B) contains a source of protein.

26 SECTION 2. If before implementing any provision of this Act
27 a state agency determines that authorization from a federal agency

1 is necessary for implementation of that provision, the agency
2 affected by the provision shall request the authorization and may
3 delay implementing that provision until the authorization is
4 granted.

5 SECTION 3. This Act takes effect September 1, 2011.