

By: Canales

H.B. No. 523

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the purchase of energy drinks under the supplemental nutrition assistance program.

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

SECTION 1. Subchapter A, Chapter 33, Human Resources Code, is amended by adding Section 33.036 to read as follows:

Sec. 33.036. PURCHASE OF ENERGY DRINKS PROHIBITED UNDER SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM. (a) In this section, "energy drink" means a beverage containing at least 65 milligrams of caffeine per 8 fluid ounces that is advertised as being specifically designed to provide metabolic stimulation or an increase to the consumer's mental or physical energy. The term does not include coffee or any substantially coffee-based beverage.

(b) A recipient may not use supplemental nutrition assistance benefits to purchase an energy drink.

(c) The department shall conduct a public outreach campaign to promote awareness of the prohibition under this section.

SECTION 2. If before implementing any provision of this Act a state agency determines that authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the authorization and may delay implementing that provision until the authorization is granted.

SECTION 3. This Act takes effect September 1, 2013.