

By: Rodriguez

S.B. No. 1359

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition of foods containing trans fat.

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

SECTION 1. Chapter 437, Health and Safety Code, is amended by adding Section 437.022 to read as follows:

Sec. 437.022. FOODS CONTAINING TRANS FAT. (a) In this section:

(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.

(b) This section does not apply to:

(1) a nonprofit organization;

(2) a volunteer fire department that serves food to the public only four days or less in any week, except that once each year the fire department may serve food to the public for not more than 30 consecutive days;

(3) a kitchen in a private home where food is prepared at no charge for guests in the home or at a social gathering;

(4) a shelter where food is prepared at no charge for unemployed, homeless, or other disadvantaged populations;

1 (5) a caterer that prepares food for consumption by
2 persons in a private home or at a private social gathering;

3 (6) a food preparation area or serving area where only
4 food that is not potentially hazardous food, as determined under
5 the 2005 Model Food Code of the United States Food and Drug
6 Administration and the guidelines interpreting that model code, or
7 a subsequent model food code and related guidelines adopted by
8 department rule, is prepared or served by an organization described
9 by Subdivision (1) or (2);

10 (7) a business that attributes at least 50 percent of
11 the business's gross receipts to the retail sale of gasoline and
12 diesel fuel to consumers; or

13 (8) a grocery store, not including a separately owned
14 restaurant located inside of a grocery store.

15 (c) A food service establishment shall maintain on the food
16 service establishment's premises an original label for any food or
17 food additive that is required by federal law to have a label
18 affixed to it when purchased and that contains a trans fat for as
19 long as the food or food additive is used, stored, or served by the
20 food service establishment.

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

24 (e) A food service establishment may not prepare, package,
25 store, or serve a food that contains a trans fat or use a trans fat
26 to prepare a food, except that a food service establishment may:

27 (1) use a trans fat to prepare bakery items, including

1 items made with yeast dough or cake batter;

2 (2) store or serve a packaged food in an original
3 package with a label indicating that the food has a trans fat
4 content of less than 0.5 grams per serving; and

5 (3) prepare and package a food that contains a trans
6 fat that will be labeled with an indication that the food has a
7 trans fat content of less than 0.5 grams per serving.

8 (e-1) Subsection (e) applies only to a food service
9 establishment that is part of a chain operating with the same name
10 or as a franchised outlet of the same parent company at 15 or more
11 locations in this state. This subsection expires August 31, 2015.

12 (f) Subsection (e) does not apply to a food service
13 establishment that contracts with a food manufacturer or
14 distributor for the provision of a food that is prepared wholly or
15 partly by the manufacturer or distributor and served by the food
16 service establishment without the food's original packaging. For
17 an individual food service establishment, the exemption under this
18 subsection expires on the later of:

19 (1) the date the contract between the food service
20 establishment and the food manufacturer or distributor expires,
21 excluding an extension provided for on or after September 1, 2013,
22 if the contract was executed before September 1, 2013; or

23 (2) August 31, 2015.

24 SECTION 2. This Act takes effect September 1, 2013, except
25 that Section 437.022(e), Health and Safety Code, as added by this
26 Act, takes effect September 1, 2014.