

## **BILL ANALYSIS**

C.S.H.B. 4256  
By: Cortez  
Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been suggested that food allergen awareness for food service establishment staff should be improved so those on the frontlines of food service can help to protect the public from potential hospitalization or death resulting from food allergies. C.S.H.B. 4256 seeks to address this suggestion by requiring food service establishments to display a food allergen awareness poster in an area of the establishment accessible primarily to employees of the establishment.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 4256 amends the Health and Safety Code to require a food service establishment to display a poster relating to food allergen awareness in an area of the establishment accessible primarily to employees of the establishment. The bill requires the Department of State Health Services (DSHS), not later than December 1, 2019, to determine the form and content of the poster and to post a sample poster on the DSHS website. The bill authorizes a food service establishment to display the information from the sample poster in lieu of the poster, provided that the information is presented and posted in a manner that is easily readable by the establishment's employees in the selected employee area. The bill requires the poster or posted information to include information regarding the risk of an allergic reaction, the major food allergens, including milk, wheat, eggs, soy, shellfish, peanuts, tree nuts, and fish, and methods for preventing cross-contact in food preparation. The bill requires the executive commissioner of the Health and Human Services Commission, not later than December 1, 2019, to adopt rules necessary to implement the bill's provisions. The bill's provisions expressly do not create a private cause of action or change any common law or statutory duty and expressly do not require a food service establishment to comply with its provisions before January 1, 2020.

### **EFFECTIVE DATE**

September 1, 2019.

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

While C.S.H.B. 4256 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee

substitute versions of the bill.

The substitute changes certain information required to be posted or included on a poster from methods for preventing cross-contamination in food preparation to methods for preventing cross-contact in food preparation.