86R14403 SCL-D

By:  Oliverson H.B. No. 4369

A BILL TO BE ENTITLED

AN ACT

relating to labeling and information requirements for a cottage food product sold through the Internet or by mail order.

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

SECTION 1.  Section 437.0194, Health and Safety Code, is amended to read as follows:

Sec. 437.0194.  CERTAIN SALES BY COTTAGE FOOD PRODUCTION OPERATIONS PROHIBITED OR RESTRICTED.  (a) A cottage food production operation may not sell any of the foods described in Section 437.001(2-b)(A)[~~:~~

[~~(1)  through the Internet;~~

[~~(2)  by mail order; or~~

[~~(3)~~]  at wholesale.

(b)  An individual who operates a cottage food production operation may sell a food described by Section 437.001(2-b)(A) through the Internet or by mail order or use a shipping or delivery service for delivery of the food only if the label of the finished food product or a written description of the finished food product provided with the product:

(1)  contains a list of each major food allergen, including eggs, nuts, soy, peanuts, milk, or wheat, in the product;

(2)  includes:

(A)  the name and physical address of the cottage food production operation;

(B)  the common or usual name of the product; and

(C)  the following statement: "This food is made in a home kitchen and is not inspected by the Department of State Health Services or a local health department."; and

(3)  is legible.

SECTION 2.  This Act takes effect September 1, 2019.