

By: Cortez

H.B. No. 4256

Substitute the following for H.B. No. 4256:

By: Thompson of Harris

C.S.H.B. No. 4256

A BILL TO BE ENTITLED

AN ACT

relating to food allergen awareness in food service establishments.

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

SECTION 1. Chapter 437, Health and Safety Code, is amended by adding Section 437.024 to read as follows:

Sec. 437.024. FOOD ALLERGEN AWARENESS. (a) A food service establishment shall display a poster relating to food allergen awareness in an area of the establishment accessible primarily to employees of the establishment. The department shall determine the form and content of the poster and post a sample poster on the department's Internet website.

(b) A food service establishment may 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.

(c) The poster or posted information must include information regarding:

(1) the risk of an allergic reaction;

(2) the major food allergens, including milk, wheat, eggs, soy, shellfish, peanuts, tree nuts, and fish; and

(3) methods for preventing cross-contact in food preparation.

(d) The executive commissioner shall adopt rules necessary

1 to implement this section.

2 (e) This section does not create a private cause of action
3 or change any common law or statutory duty.

4 SECTION 2. Not later than December 1, 2019:

5 (1) the Department of State Health Services shall
6 determine the form and content of the poster and post the sample
7 poster on the department's Internet website as required by Section
8 437.024, Health and Safety Code, as added by this Act; and

9 (2) the executive commissioner of the Health and Human
10 Services Commission shall adopt any rules necessary to implement
11 Section 437.024, Health and Safety Code, as added by this Act.

12 SECTION 3. Notwithstanding Section 437.024, Health and
13 Safety Code, as added by this Act, a food service establishment is
14 not required to comply with that section before January 1, 2020.

15 SECTION 4. This Act takes effect September 1, 2019.