

By: Cain

H.B. No. 4364

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the purchase of certain food and drink items 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 33.031 to read as follows:

Sec. 33.031. PURCHASE OF CERTAIN FOOD AND DRINK ITEMS PROHIBITED UNDER SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM. (a)

In this section:

(1) "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.

(2) "Milk product" means a natural milk product regardless of animal source or butterfat content and regardless of whether reconstituted, including milk in liquid form, milk concentrate, and dehydrated milk.

(3) "Sweetened beverage" means a nonalcoholic beverage to which a natural or artificial sweetener is added that is sold for human consumption, including a soft drink, a fruit or vegetable juice, and other flavored beverages.

(b) Except as provided by Subsection (c), a recipient may

1 not use supplemental nutrition assistance program benefits to  
2 purchase:

- 3 (1) an energy drink;
- 4 (2) a sweetened beverage;
- 5 (3) a carbonated beverage;
- 6 (4) candy ordinarily packaged and sold for consumption  
7 without further preparation;
- 8 (5) potato or corn chips ordinarily packaged and sold  
9 for consumption without further preparation; or
- 10 (6) cookies ordinarily packaged and sold for  
11 consumption without further preparation.

12 (c) The prohibition under Subsection (b) does not apply to  
13 the purchase of:

- 14 (1) a milk product or a product, other than an energy  
15 drink, containing milk or a milk protein;
- 16 (2) a milk substitute, including soy milk, rice milk,  
17 or almond milk;
- 18 (3) a beverage, other than an energy drink or  
19 carbonated beverage, in which the only added sweetener does not add  
20 calories to the beverage;
- 21 (4) a beverage intended by the manufacturer for  
22 consumption by an infant that is commonly referred to as "infant  
23 formula";
- 24 (5) a beverage, other than a carbonated beverage,  
25 intended by the manufacturer for use for weight reduction;
- 26 (6) a fruit or vegetable juice, other than a  
27 carbonated beverage, to which no sugar has been added;

1           (7) a beverage or other product, other than a  
2 carbonated beverage, intended for use as recommended by a health  
3 care professional, as defined by Section 247.067, Health and Safety  
4 Code;

5           (8) a beverage or other product, other than a  
6 carbonated beverage, that contains plant protein sources; or

7           (9) a product, other than an energy drink or  
8 carbonated beverage, that:

9                   (A) is fortified with a vitamin or mineral; and

10                   (B) contains a source of protein.

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

17           SECTION 3. This Act takes effect September 1, 2019.