

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;

1                   (B) the common or usual name of the product; and  
2                   (C) the following statement: "This food is made  
3 in a home kitchen and is not inspected by the Department of State  
4 Health Services or a local health department."; and  
5                   (3) is legible.

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