

BILL ANALYSIS

C.S.H.B. 464
By: Cortez
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Studies have shown that anaphylaxis, a severe and potentially life-threatening allergic reaction, among children and adolescents is most commonly the result of food allergies. Over the last decade, the prevalence of food allergies has increased, and there are concerns that more than 15 million people in the country are affected by a food allergy. It has been suggested that food allergen awareness for food service establishment staff should be improved so those on the front lines of food service can help protect the public from potential hospitalization or death resulting from food allergies. C.S.H.B. 464 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 2 of this bill.

ANALYSIS

C.S.H.B. 464 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 food service employees of the establishment. The bill requires the Department of State Health Services (DSHS) to do the following:

- determine the form and content of the poster and post a sample poster on the DSHS website not later than December 1, 2021; and
- update the poster as necessary to ensure that it contains current information about food allergens and remains consistent with standards promulgated by the FDA.

The bill authorizes a food service establishment to display the information from the sample poster in lieu of the poster, provided the information is presented and posted in a manner that is easily readable by the establishment's food service employees in the selected employee area. The bill sets out requirements for the content of the poster or posted information.

C.S.H.B. 464 requires the executive commissioner of the Health and Human Services Commission, not later than December 1, 2021, to adopt rules necessary to implement the bill's provisions. A food service establishment is not required to comply with those provisions before January 1, 2022. The bill's provisions expressly do not create a private cause of action or change any common law or statutory duty.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 464 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 includes a specification that the current information about food allergens contained on the poster remains consistent with standards promulgated by the FDA.