

BILL ANALYSIS

H.B. 928
By: Sherman, Sr.
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Consumers may unknowingly consume Swai fish, as the fish is often used as a replacement for more expensive types of fish, such as catfish. The methods used for farming Swai fish have brought many environmental concerns regarding pollutants and mercury levels present at the fisheries, and the fish has previously been the subject of a USDA recall. H.B. 928 seeks to address the mislabeling of Swai fish as catfish and prevent consumers from being misled about the product they are consuming by establishing regulations for the marketing and sale of catfish and similar fish by food service establishments.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 928 amends the Health and Safety Code to set out provisions relating to a food service establishment's marketing and sale of catfish and other fish similar to catfish that do the following:

- authorize an establishment that offers a food product for sale to represent and identify the product as catfish only if the product contains catfish and does not contain another similar fish;
- prohibit an establishment from representing an offered food product as catfish if the product contains a similar fish that is not catfish; and
- require an establishment that offers for sale a food product containing a similar fish that is not catfish to conspicuously identify the type of fish contained in the product in the product's description on the establishment's menu or menu board.

H.B. 928 authorizes the Department of State Health Services, or a public health district or county that requires a food service establishment to hold a permit under applicable law, to impose an administrative penalty against a food service establishment that violates the bill's provisions or a rule adopted under those provisions. The bill also makes such an establishment liable to the state or the permitting authority for a civil penalty. The bill sets out a range of penalties for the administrative and civil penalties based on the establishment's gross annual food sales. Each day a violation continues or occurs is a separate violation. The bill authorizes the attorney general or the appropriate district, county, or municipal attorney to bring an action to recover the civil penalty.

EFFECTIVE DATE

September 1, 2021.