

By: Cortez, Zwiener, et al.

H.B. No. 464

Substitute the following for H.B. No. 464:

By: Klick

C.S.H.B. No. 464

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. This Act may be cited as the Sergio Lopez Food Allergy Awareness Act.

SECTION 2. Chapter 437, Health and Safety Code, is amended by adding Section 437.026 to read as follows:

Sec. 437.026. 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 food service employees of the establishment. The department shall:

(1) determine the form and content of the poster;

(2) post a sample poster on the department's Internet website; and

(3) update the poster as necessary to ensure that the poster contains current information about food allergens and remains consistent with standards promulgated by the United States Food and Drug Administration.

(b) A food service establishment may 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.

(c) The poster or posted information must:

1 (1) state that a reaction to a food allergen is
2 potentially life-threatening; and

3 (2) include information regarding:

4 (A) the risk of an allergic reaction to a food
5 allergen;

6 (B) the major food allergens, including milk,
7 wheat, eggs, soy, crustacean shellfish, peanuts, tree nuts, and
8 fish;

9 (C) the proper methods and procedures for
10 checking ingredients in food items, including unexpected or hidden
11 ingredients;

12 (D) the importance of clear communication
13 between customers with food allergies and the establishment's staff
14 concerning food allergens; and

15 (E) methods for preventing cross-contact in food
16 preparation.

17 (d) The executive commissioner shall adopt rules necessary
18 to implement this section.

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

21 SECTION 3. Not later than December 1, 2021:

22 (1) the Department of State Health Services shall
23 determine the form and content of the poster and post the sample
24 poster on the department's Internet website as required by Section
25 437.026, Health and Safety Code, as added by this Act; and

26 (2) the executive commissioner of the Health and Human
27 Services Commission shall adopt any rules necessary to implement

1 Section 437.026, Health and Safety Code, as added by this Act.

2 SECTION 4. Notwithstanding Section 437.026, Health and
3 Safety Code, as added by this Act, a food service establishment is
4 not required to comply with that section before January 1, 2022.

5 SECTION 5. This Act takes effect September 1, 2021.