

By: Cortez

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 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.

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

1 (2) include information regarding:

2 (A) the risk of an allergic reaction to a food
3 allergen;

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

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

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

13 (E) methods for preventing cross-contact in food
14 preparation.

15 (d) The executive commissioner shall adopt rules necessary
16 to implement this section.

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

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

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

24 (2) the executive commissioner of the Health and Human
25 Services Commission shall adopt any rules necessary to implement
26 Section 437.026, Health and Safety Code, as added by this Act.

27 SECTION 4. Notwithstanding Section 437.026, Health and

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1 Safety Code, as added by this Act, a food service establishment is
2 not required to comply with that section before January 1, 2022.

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