88R1841 LRM-D

By:  Goodwin H.B. No. 95

A BILL TO BE ENTITLED

AN ACT

relating to food labeling by a cottage food production operation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 437.0193(b), Health and Safety Code, is amended to read as follows:

(b)  The executive commissioner shall adopt rules requiring a cottage food production operation to label all of the foods described in Section 437.001(2-b)(A) that the operation sells to consumers. The label must include:

(1)  the name, zip code, and telephone number [~~and address~~] of the cottage food production operation; and

(2)  a statement that the food is not inspected by the department or a local health department.

SECTION 2.  Section 437.0194(b), Health and Safety Code, is amended to read as follows:

(b)  A cottage food production operation may sell a food described by Section 437.001(2-b)(A) in this state through the Internet or by mail order only if:

(1)  the consumer purchases the food through the Internet or by mail order from the operation and the operator personally delivers the food to the consumer; and

(2)  [~~subject to Subsection (c),~~] before the operator accepts payment for the food, the operator provides all labeling information required by Section 437.0193(d) and department rules to the consumer by:

(A)  posting a legible statement on the operation's Internet website;

(B)  publishing the information in a catalog; or

(C)  otherwise communicating the information to the consumer.

SECTION 3.  Section 437.0194(c), Health and Safety Code, is repealed.

SECTION 4.  (a) Not later than January 1, 2024, the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement Section 437.0193(b), Health and Safety Code, as amended by this Act.

(b)  A person is not required to comply with Section 437.0193(b), Health and Safety Code, as amended by this Act, until January 1, 2024.

SECTION 5.  This Act takes effect September 1, 2023.