

BILL ANALYSIS

C.S.S.B. 25
By: Kolkhorst
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to Executive Order 14212, issued February 13, 2025, the United States spends \$4.5 trillion annually on health care, with 90 percent of those health care expenditures spent on chronic health conditions and mental health conditions. As reported by health industry news media, despite this exorbitant health care spending, the health of Americans is rapidly declining, and there are increases in obesity, diabetes, and early onset cancers. Additionally, a Harvard School of Public Health study concluded that there is a link between an increased ultra-processed food diet and an increased risk of early mortality. Finally, according to a 2023 study published in *Nature Communications*, such processed food makes up 73 percent of the U.S. food supply.

C.S.S.B. 25 seeks to address these health policy issues through a multi-prong approach. Among other provisions, it establishes food product labeling requirements, requires nutrition education coursework for students at institutions of higher education, and creates continuing education requirements regarding nutrition and metabolic health for licensed physicians, physician assistants, nurses, and dietitians.

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 Texas Higher Education Coordinating Board in SECTION 3 of this bill, to the executive commissioner of the Health and Human Services Commission in SECTIONS 8 and 19 of this bill, to the Texas Medical Board in SECTIONS 10 and 11 of this bill, to the Texas Board of Nursing in SECTION 12 of this bill, and to the Texas Commission of Licensing and Regulation in SECTION 13 of this bill.

ANALYSIS

C.S.S.B. 25 amends the Education Code, Health and Safety Code, and Occupations Code to update health and nutrition standards to promote healthy living in Texas, including by creating the Texas Nutrition Advisory Committee, by creating certain physical education and nutrition curriculum requirements at public school districts and open-enrollment charter schools, by establishing nutrition curriculum requirements at certain health-related institutions of higher education, and by requiring certain warning label disclosures for foods containing certain ingredients.

Texas Nutrition Advisory Committee

Creation and Composition

C.S.S.B. 25 amends the Health and Safety Code to establish the Texas Nutrition Advisory Committee to develop nutritional guidelines for Texas residents. The bill establishes that the advisory committee is administratively attached to the Department of State Health Services (DSHS) and provides for the composition of the seven-member committee, appointed by the governor not later than December 31, 2025, including at least:

- one expert in metabolic health, culinary medicine, lifestyle medicine, or integrative medicine;
- one licensed physician certified in functional medicine;
- one member representing the Texas Department of Agriculture;
- one member representing a rural community;
- one member representing an urban community; and
- one pediatrician specializing in metabolic health.

In appointing the advisory committee members, the governor must do the following:

- consider recommendations provided by the chair of the senate committee on health and human services, the chair of the house of representatives committee on public health, and the chair of the house of representatives committee on human services; and
- ensure not more than two members are affiliated with an academic or health-related institution of higher education if the appointment could reasonably create a conflict of interest between the goals of the advisory committee and the goals of the institution.

The bill makes an individual ineligible for appointment to the advisory committee if the individual owns or controls an ownership interest in a food, beverage, dietary supplement, or pharmaceutical manufacturing company or who is related within the third degree of consanguinity or affinity, as determined by state law, to such an individual. The bill requires an individual, before accepting an appointment to the advisory committee, to disclose all past or existing affiliations with a food, beverage, dietary supplement, or pharmaceutical manufacturing company or any other affiliation that could reasonably create a conflict of interest with the goals of the advisory committee. An advisory committee member who fails to disclose such an affiliation is subject to removal by the governor.

C.S.S.B. 25 establishes that the advisory committee members serve staggered four-year terms and requires the governor, not later than December 31, 2025, to provide for those terms.

Advisory Committee Duties

C.S.S.B. 25 requires the advisory committee to do the following:

- examine the impact of nutrition on human health and examine the connection between ultra-processed foods, including foods containing artificial color and food additives, and the prevalence of chronic diseases and other chronic health issues;
- provide an independent review of scientific studies analyzing the effects of ultra-processed foods on human health;
- provide education on the effects of ultra-processed foods on human health; and
- develop and maintain dietary and nutritional guidelines based on the consensus of available scientific studies and information concerning diet and nutrition.

Annual Report and Web Page

C.S.S.B. 25 requires the advisory committee, not later than September 1 of each year, to prepare and submit to DSHS, the governor, the lieutenant governor, the speaker of the house of representatives, and each standing committee of the legislature with primary jurisdiction over health and safety a written report that includes a summary of the scientific studies, nutritional guidelines incorporating any new scientific findings, and any other recommendations the

advisory committee considers appropriate based on new scientific studies. The bill requires the initial report to be prepared and submitted not later than September 1, 2026.

C.S.S.B. 25 requires DSHS to post on a publicly available web page on its website the guidelines developed under the bill's provisions in a manner that is easily accessible and readily understandable. The bill requires DSHS to post the required information as soon as practicable after the submission of the initial report and to annually update such information based on the report.

Rulemaking and Expiration

C.S.S.B. 25 authorizes the executive commissioner of the Health and Human Services Commission (HHSC) to adopt rules as necessary to implement the bill's provisions relating to the advisory committee. The advisory committee is abolished and provisions relating to the committee expire December 31, 2032.

Physical Education and Nutrition Curriculum Requirements for Public School Districts and Open-Enrollment Charter Schools

C.S.S.B. 25 amends the Education Code to make applicable to an open-enrollment charter school the same requirements, and exceptions to those requirements, for certain daily physical activity of the applicable enrolled students for the prescribed amount of time that are currently applicable to a school district. The bill increases from four to six the minimum number of semesters for which students enrolled in grade levels six, seven, and eight must participate in moderate or vigorous daily physical activity for at least 30 minutes during those grade levels as part of the physical education curriculum requirements and also makes this provision applicable to the curriculum of an open-enrollment charter school. These provisions apply only to students entering the sixth grade during the 2026-2027 school year or a later school year. For students entering a grade above sixth grade during the 2026-2027 school year, the daily physical activity requirement that existed before the amendment by the bill applies, and those provisions are continued in effect for that purpose.

C.S.S.B. 25, with respect to the rules adopted by the commissioner of education under current law with regard to exemptions from the daily physical activity requirement for a student, explicitly requires the commissioner to permit an exemption from the applicable daily activity requirement for a student who participates in a school-related activity or an activity sponsored by a private league or club if the student provides proof of participation in the activity, and the bill, accordingly, removes the provision authorizing such an exemption only if the student provides that proof.

C.S.S.B. 25 prohibits a school employee, in providing an applicable physical education curriculum, from restricting participation in the following:

- recess or other physical activity offered as part of the district's or charter school's physical education curriculum for a student enrolled in kindergarten or in a grade level below grade six as a penalty for the student's academic performance or behavior; or
- physical activity offered as part of the district's or charter school's physical education curriculum for a student enrolled in grade level six, seven, or eight as a penalty for the student's academic performance or behavior.

C.S.S.B. 25 requires the State Board of Education (SBOE), in adopting the state curriculum standards for the health curriculum for a grade level from kindergarten through grade eight, to adopt such standards that include nutrition instruction based on nutritional guidelines recommended by the Texas Nutrition Advisory Committee established under the bill's provisions. This provision applies beginning with the 2027-2028 school year.

C.S.S.B. 25 requires each school district and open-enrollment charter school offering a high school program to provide an elective course in nutrition and wellness that meets the requirements for a one-half elective credit under the foundation high school program, using materials SBOE approves. The bill requires such instruction to include curriculum requirements based on nutritional guidelines recommended by the Texas Nutrition Advisory Committee established under the bill's provisions. The instruction may incorporate other relevant material, including culinary skills, horticulture, and consumer economics. These provisions apply beginning with the 2027-2028 school year.

Nutrition Curriculum Requirements at Institutions of Higher Education

C.S.S.B. 25 requires the Texas Higher Education Coordinating Board by rule to require public institutions of higher education to require each student enrolled in an associate or baccalaureate degree program at the institution to complete a course of instruction in nutrition education. The course must include curriculum requirements based on nutritional guidelines recommended by the Texas Nutrition Advisory Committee created under the bill's provisions. These provisions apply beginning with entering students enrolling in an associate or baccalaureate degree program at a public institution of higher education on or after July 1, 2027.

C.S.S.B. 25 conditions the eligibility of certain health-related institutions of higher education to receive money from the applicable permanent funds established for those institutions on the institution, as follows:

- developing nutrition curriculum requirements based on nutritional guidelines recommended by the Texas Nutrition Advisory Committee created under the bill's provisions; and
- requiring all applicable students who are enrolled at the institution to successfully complete those curriculum requirements.

These conditions apply with respect to health-related institutions of higher education eligible to receive money or grants from the following funds, as applicable:

- the permanent health fund for higher education;
- the separate permanent endowment fund established for the benefit of specific institutions;
- the permanent fund for higher education nursing, allied health, and other health-related programs; and
- the permanent fund for minority health research and education.

The bill establishes that a health-related institution of higher education is required to develop and implement the curriculum as required by these provisions not later than July 1, 2027, to remain eligible for such funding. A health-related institution of higher education is not required to comply with these provisions until July 1, 2027.

Manufacturer Warning Label; Enforcement by Attorney General

C.S.S.B. 25 amends the Health and Safety Code to require a food manufacturer to ensure each food product the manufacturer offers for sale in Texas includes a warning label disclosing the use of certain ingredients, which are specified by the bill, in a product intended for human consumption. The bill requires the warning label, if the food contains such an ingredient, to, as follows:

- include a statement prescribed by the bill, in a font size also prescribed by the bill, warning that the food product contains an ingredient that is not recommended for human consumption by the appropriate authority in Australia, Canada, the European Union, or the United Kingdom;
- be placed in a prominent and reasonably visible location; and
- have sufficiently high contrast with the immediate background to ensure the warning is likely to be seen and understood by the ordinary individual under customary conditions of purchase and use.

A food manufacturer or, to the extent a food manufacturer provides the information required under these bill provisions to a retailer, a retailer that offers a product subject to the warning label requirement for sale in Texas on the manufacturer's or retailer's website to disclose to the consumer all applicable labeling information required under the bill and DSHS rule by posting a legible statement on the manufacturer's or retailer's website on which the product is offered for sale or otherwise communicating the information to the consumer. For these purposes, "food manufacturer" includes any manufacturer that offers a food product for sale in Texas, regardless of where the product was originally produced. These provisions do not apply to an ingredient used in a product not intended for human consumption; food labeled, prepared, served, or sold in a restaurant; or food labeled, prepared, or served in a retail establishment. These bill provisions expressly do not create a private cause of action for a violation of these provisions. The bill requires the executive commissioner of HHSC to adopt rules to implement these provisions not later than December 31, 2025. These provisions apply only to a food product label developed or copyrighted on or after January 1, 2027.

C.S.S.B. 25 authorizes the attorney general to bring an action on behalf of the state to enjoin a manufacturer from violating the bill's provisions relating to the requirement to include a warning label of certain ingredients in a product intended for human consumption, if the attorney general believes the manufacturer has violated such provisions. In addition to seeking an injunction under this provision, the attorney general may request and the court may order any other relief that may be in the public interest, including the following:

- the imposition of a civil penalty in an amount not to exceed \$50,000 per day for each distinct food product in violation of the bill's requirement to include such a label; and
- an order requiring reimbursement to the state for the reasonable value of investigating and bringing an enforcement action for such a violation.

Continuing Education in Nutrition and Metabolic Health

Physicians

C.S.S.B. 25 amends the Occupations Code to require a physician licensed under the Medical Practice Act who submits an application for renewal of a license to practice medicine to complete continuing medical education regarding nutrition and metabolic health in accordance with this provision and rules adopted under this provision. The bill requires the Texas Medical Board (TMB), not later than December 31, 2026, to adopt rules to implement this provision. The rules must prescribe the following:

- the number of hours of the continuing medical education required by this provision; and
- the content of the required continuing medical education based on the nutritional guidelines recommended by the Texas Nutrition Advisory Committee established under the bill's provisions.

This provision applies only to an application for license renewal filed on or after January 1, 2027. An application for license renewal filed before that date is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

Physician Assistants

C.S.S.B. 25 requires a person licensed as a physician assistant under the Physician Assistant Licensing Act, as part of the continuing medical education requirements under that act, to complete continuing medical education regarding nutrition and metabolic health in accordance with this bill provision and rules adopted under this provision. The bill requires the TMB, not later than December 31, 2026, on recommendations of the physician assistant board, to adopt rules to implement this provision. The rules must prescribe the following:

- the number of hours of the continuing medical education required by this provision; and
- the content of the continuing medical education required by this provision based on the nutritional guidelines recommended by the Texas Nutrition Advisory Committee established under the bill's provisions.

This provision applies only to an application for license renewal filed on or after January 1, 2027. An application for license renewal filed before that date is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

Nurses

C.S.S.B. 25 requires a person licensed as a nurse under the Nursing Practice Act, as part of the continuing medical education requirements under that act, to complete continuing education regarding nutrition and metabolic health in accordance with this provision and rules adopted under this provision. The bill requires the Texas Board of Nursing, not later than December 31, 2026, to adopt rules to implement this provision. The rules must prescribe the following:

- the number of hours of the continuing medical education required under this provision; and
- the content of the required continuing medical education required by this provision based on the nutritional guidelines recommended by the Texas Nutrition Advisory Committee established under the bill's provisions.

This provision applies only to an application for license renewal filed on or after January 1, 2027. An application for license renewal filed before that date is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

Dietitians

C.S.S.B. 25 requires the Texas Commission of Licensing and Regulation (TCLR) by rule to adopt and the Texas Department of Licensing and Regulation (TDLR) to monitor and enforce a program for the continuing education of a person licensed as a dietitian under the Licensed Dietitian Act as a condition for license renewal under the act. Those rules must, as follows:

- require a license holder to complete not more than 12 hours of continuing education as a prerequisite for license renewal under the act; and
- prescribe a process to assess a license holder's participation in continuing education courses.

This provision applies only to an application for license renewal filed on or after January 1, 2027. An application for license renewal filed before that date is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

C.S.S.B. 25 makes a person's failure to complete the preceding continuing education requirements grounds for TDLR and TCLR to refuse renewal of the license.

C.S.S.B. 25 requires a person licensed as a dietitian under the act to complete continuing education regarding nutrition and metabolic health, as required under the aforementioned continuing education requirement added by the bill, in accordance with this provision and rules adopted under this provision. The bill requires TCLR, not later than December 31, 2026, to adopt rules to implement this provision. The rules must prescribe the following:

- the number of hours of the continuing education required under this provision; and
- the content of the continuing education required by this provision based on the nutritional guidelines recommended by the Texas Nutrition Advisory Committee as established under the bill's provisions.

This provision applies only to an application for license renewal filed on or after January 1, 2027. An application for license renewal filed before that date is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 25 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute revises the engrossed version's caption.

Texas Nutrition Advisory Committee

Both the engrossed and the substitute include a Health and Safety Code provision establishing the committee and both versions include the identical procedural provision, Internet posting provision, and initial reporting requirement. However, they differ as follows:

- the substitute includes as a committee member at least one expert in culinary medicine, lifestyle medicine, or integrative medicine as alternative choices for the expert in metabolic health, whereas the engrossed did not provide these alternative choices for that expert;
- the substitute includes as a committee member one pediatrician specializing in metabolic health, whereas the engrossed did not;
- the substitute does not include the provision in the engrossed that prohibited the governor from appointing an individual to the committee if the individual owns or controls an ownership interest in a food, beverage, or pharmaceutical company or is related within the third degree of consanguinity to such an individual;
- the substitute includes a provision absent from the engrossed making an individual ineligible for appointment to the committee if the person owns or controls such a company or is so related to such an individual;
- the substitute, but not the engrossed, makes an individual ineligible for appointment to the committee if the individual owns or controls an ownership interest of a dietary supplement company or is related to the specified degree to such an individual;
- the substitute includes a specification not in the engrossed relating to the circumstances under which an individual is ineligible, to include an individual who owns or controls an ownership interest in a dietary supplement; and
- while the engrossed established that advisory committee members serve staggered two-year terms, the substitute establishes that such members serve staggered four-year terms.

Physical Education and Nutrition Curriculum Requirements for Public School Districts and Open-Enrollment Charter Schools

The substitute includes the following Education Code provisions that are absent from the engrossed:

- a provision that revises the authorized exemption from the daily physical activity requirement for a student who participates in a school-related activity or an activity sponsored by a private league or club only if the student provides proof of participation to explicitly require the commissioner of education to permit such an exemption on such provision;
- a provision, and its related procedural provision, requiring the SBOE, in adopting the state curriculum standards for the health curriculum for certain grade levels, to adopt standards that include nutrition instruction based on nutritional guidelines recommended by the advisory committee; and
- a provision, and its related procedural provision, requiring each school district and open-enrollment charter school offering a high school program to provide an elective course in nutrition and wellness.

The substitute does not include the following Education Code provisions that are present in the engrossed:

- with respect to the foundation high school program curriculum, a provision, and its related procedural provision, that reduces from five to four and one-half the number of elective credits a student must complete and that includes a one-half credit in nutrition education among those requirements; and
- a provision requiring the SBOE to ensure that a course on nutrition education taken to comply with the previous bulleted requirement includes curriculum requirements based on nutritional guidelines recommended by the advisory committee.

Nutrition Curriculum Requirements at Health-Related Institutions of Higher Education

Both the engrossed and the substitute include Education Code provisions conditioning the award of a grant or other distribution of money to certain health-related institutions of higher education from the permanent health fund for higher education, the separate permanent endowment fund established for the benefit of specific institutions, the permanent fund for higher education nursing, allied health, and other health-related program, and the permanent fund for minority health research and education on the institution requiring the relevant students to successfully complete a nutrition curriculum. The engrossed referred to the relevant students or students in other health-related majors while the substitute refers to the relevant students or students in other majors related to health care service provision.

Manufacturer Warning Label Disclosing Certain Ingredients

The substitute does not include the Health and Safety Code provisions present in the engrossed defining "food ready for immediate consumption" and "prepared food."

Both the engrossed and the substitute include a provision setting out a warning label requirement for a food manufacturer regarding the use of certain specified ingredients used in a product intended for human consumption and prescribing a specified statement for inclusion on such a label. However, the provisions differ as follows:

- with respect to the warning label requirement:
 - the engrossed required a food manufacturer to label each product the manufacturer offers for sale in Texas with the warning label; and
 - the substitute requires a food manufacturer to ensure each food product the manufacturer offers for sale in Texas includes such a warning label;
- with respect to the specified statement on the warning label:
 - the engrossed, as follows:
 - required a statement if the food contains an artificial color, chemical, or food additive;
 - specified that the font size of the statement is not smaller than the largest font used to disclose other consumer information; and
 - included prescribed language warning that the product contains an artificial color, chemical, or food additive that is banned in Australia, Canada, the European Union, or the United Kingdom; and
 - the substitute, as follows:
 - requires a statement if the food contains any of the substitute's specified ingredients;
 - specifies that the font size of the statement is not smaller than the smallest font used to disclose other consumer information required by the FDA; and
 - includes prescribed language warning that the food product contains an ingredient that is not recommended for human consumption by the appropriate authority in Australia, Canada, the European Union, or the United Kingdom; and
- with respect to the specified ingredients:
 - the engrossed but not the substitute required the disclosure of activated charcoal and melatonin; and

- the substitute but not the engrossed requires the disclosure of aspartame, glyphosate, high fructose corn syrup, and saccharine.

Both the engrossed and the substitute require a food manufacturer that offers a product subject to the respective version's warning label requirement for sale in Texas on the manufacturer's website to disclose to the consumer all applicable labeling information required under the bill and DSHS rule by posting a legible statement on the manufacturer's website or otherwise communicating the information to the consumer. However, the substitute does the following, in provisions absent from the engrossed, with respect to that provision:

- makes that requirement also applicable to a retailer that offers such a product for sale in Texas on the retailer's website, to the extent a food manufacturer provides the required information to the retailer;
- requires that retailer to either post the legible statement on the retailer's website or otherwise communicate the information to the consumer; and
- specifies that the website on which the manufacturer or retailer must post the legible statement is the website on which the product is offered for sale.

While the engrossed included a provision establishing that provisions relating to manufacturer warning labels do not apply to a prepared food or food ready for immediate consumption that is labeled and prepared, served, or sold in a retail establishment, the substitute established such inapplicability to food labeled, prepared, served, or sold in a restaurant or food labeled, prepared, or served in a retail establishment.

The substitute includes a provision not in the engrossed establishing that "food manufacturer" includes any manufacturer that offers a food product for sale in Texas, regardless of where the product was originally produced.

Both the engrossed and substitute provide for the imposition of a civil penalty for a violation of the warning label requirements, but they differ as follows:

- the engrossed capped the civil penalty at \$50,000 for each violation of the bill's provisions; and
- the substitute caps that amount at \$50,000 per day for each distinct food product in violation of the warning label requirements.

Continuing Education in Nutrition and Metabolic Health

Both the engrossed and the substitute contain Occupations Code provisions that require the TMB and the Texas Board of Nursing to adopt rules prescribing the content of the continuing education required by the bill for physicians, physician assistants, and nurses, but they differ as follows:

- the engrossed required the rules to prescribe such content by using the nutritional guidelines provided by the advisory committee; and
- the substitute requires such rules to prescribe the content based on the nutritional guidelines recommended by the advisory committee.

The substitute includes general continuing education requirements for license renewal, specific continuing education requirements related to nutrition and metabolic health, and related procedural provisions for dietitians licensed under the Licensed Dietitian Act, whereas the engrossed did not include any provisions regarding dietitians.