By:  Middleton S.B. No. 823

(In the Senate - Filed January 16, 2025; February 7, 2025, read first time and referred to Committee on Water, Agriculture and Rural Affairs; May 21, 2025, reported adversely, with favorable Committee Substitute by the following vote: Yeas 6, Nays 2; May 21, 2025, sent to printer.)

COMMITTEE VOTE

                     Yea Nay Absent  PNV

Perry                 X

Hancock                   X

Birdwell                        X

Blanco                X

Gutierrez                 X

Hinojosa of Nueces    X

Johnson               X

Kolkhorst             X

Sparks                X

COMMITTEE SUBSTITUTE FOR S.B. No. 823 By:  Hancock

A BILL TO BE ENTITLED

AN ACT

relating to labeling and representation of imported shrimp; authorizing an administrative penalty.

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

SECTION 1.  Subchapter F, Chapter 436, Health and Safety Code, is amended by adding Section 436.083 to read as follows:

Sec. 436.083.  LABELING OF SHRIMP. (a) For purposes of this section, a shrimp is considered to be imported if the shrimp does not satisfy the United States country of origin requirements for wild or farm-raised shellfish established by 7 C.F.R. Section 60.128, or successor regulations.

(b)  A food service supplier, wholesaler, distributor, or wholesale distributor may not sell shrimp in this state unless the shrimp's label includes a clear and conspicuous notice stating whether the shrimp is imported.

(c)  A restaurant shall not label or represent imported shrimp as "Texas shrimp," "American shrimp," "Domestic shrimp," or "Gulf shrimp."

(d)  The department, a public health district, a county, or a municipality that under Chapter 431 or 437 requires a restaurant, food service supplier, wholesaler, distributor, or wholesale distributor to hold a license or permit to operate in this state may impose an administrative penalty against the license or permit holder for a violation of this section or a rule adopted under this section.

(e)  It is an affirmative defense to the imposition of an administrative penalty under this section that the license or permit holder believed in good faith the shrimp was not imported.

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

(g)  This section does not apply to foods served or prepared in similar retail food establishments, such as grocery stores or other food enterprises located within grocery stores, or properly labeled shrimp packaged by itself or as an ingredient in another packaged food product that is sold packaged.

SECTION 2.  As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement Section 436.083, Health and Safety Code, as added by this Act.

SECTION 3.  This Act takes effect September 1, 2025.

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