

By: Hunter, Leo Wilson

H.B. No. 3486

A BILL TO BE ENTITLED

AN ACT

relating to a reduction in the amount of sales and use tax collections that the owners of restaurants that purchase Texas farm-raised oysters are required to remit to the comptroller of public accounts.

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

SECTION 1. Subchapter I, Chapter 151, Tax Code, is amended by adding Section 151.4245 to read as follows:

Sec. 151.4245. DISCOUNT FOR CERTAIN TAXPAYERS PURCHASING TEXAS FARM-RAISED OYSTERS. (a) In this section:

(1) "Food service establishment" has the meaning assigned by Section 437.001, Health and Safety Code.

(2) "Texas farm-raised oyster" means an oyster cultivated in the waters of this state in accordance with all applicable state and federal regulations.

(b) A taxpayer may deduct and withhold from the taxpayer's tax liability for a quarter or month in which a payment is made the amount determined under Subsection (c) if the taxpayer owns a food service establishment and purchases Texas farm-raised oysters to be prepared and served at the establishment.

(c) A taxpayer may deduct and withhold from the taxpayer's tax liability for a quarter or month for each food service establishment for which a permit has been issued to the taxpayer under this chapter the amount equal to \$5 for every 100 Texas

1 farm-raised oysters purchased for preparation and service at the
2 food service establishment during the quarter or month, as
3 applicable.

4 (d) The comptroller may require a taxpayer to provide any
5 information the comptroller determines is reasonably necessary to
6 determine the accuracy of the amount deducted and withheld by the
7 taxpayer under this section.

8 (e) The comptroller may adopt rules necessary to implement
9 and administer this section.

10 SECTION 2. The change in law made by this Act does not
11 affect tax liability accruing before the effective date of this
12 Act. That liability continues in effect as if this Act had not been
13 enacted, and the former law is continued in effect for the
14 collection of taxes due and for civil and criminal enforcement of
15 the liability for those taxes.

16 SECTION 3. This Act takes effect October 1, 2025.