

By: Kolkhorst, et al.

S.B. No. 25

A BILL TO BE ENTITLED

1 AN ACT
2 relating to health and nutrition standards to promote healthy
3 living; authorizing a civil penalty.

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

5 SECTION 1. Section 28.002, Education Code, is amended by
6 amending Subsection (1) and adding Subsection (1-4) to read as
7 follows:

8 (1) A school district or open-enrollment charter school
9 shall require a student enrolled in full-day prekindergarten, in
10 kindergarten, or in a grade level below grade six to participate in
11 moderate or vigorous daily physical activity for at least 30
12 minutes throughout the school year as part of the district's or
13 school's physical education curriculum or through structured
14 activity during a school campus's daily recess. To the extent
15 practicable, a school district or open-enrollment charter school
16 shall require a student enrolled in prekindergarten on less than a
17 full-day basis to participate in the same type and amount of
18 physical activity as a student enrolled in full-day
19 prekindergarten. A school district or open-enrollment charter
20 school shall require students enrolled in grade levels six, seven,
21 and eight to participate in moderate or vigorous daily physical
22 activity for at least 30 minutes for at least six [~~four~~] semesters
23 during those grade levels as part of the district's or school's
24 physical education curriculum. If a school district or

1 open-enrollment charter school determines, for any particular
2 grade level below grade six, that requiring moderate or vigorous
3 daily physical activity is impractical due to scheduling concerns
4 or other factors, the district or school may as an alternative
5 require a student in that grade level to participate in moderate or
6 vigorous physical activity for at least 135 minutes during each
7 school week. Additionally, a school district or open-enrollment
8 charter school may as an alternative require a student enrolled in a
9 grade level for which the district or school uses block scheduling
10 to participate in moderate or vigorous physical activity for at
11 least 225 minutes during each period of two school weeks. A school
12 district or open-enrollment charter school must provide for an
13 exemption for:

14 (1) any student who is unable to participate in the
15 required physical activity because of illness or disability; and

16 (2) a middle school or junior high school student who
17 participates in an extracurricular activity with a moderate or
18 vigorous physical activity component that is considered a
19 structured activity under rules adopted by the commissioner.

20 (1-4) In providing a physical education curriculum under
21 Subsection (1), a school employee may not restrict participation
22 in:

23 (1) recess or other physical activity offered as part
24 of the district's or school's physical education curriculum for a
25 student enrolled in kindergarten or in a grade level below grade six
26 as a penalty for the student's academic performance or behavior; or

27 (2) physical activity offered as part of the

1 district's or school's physical education curriculum for a student
2 enrolled in grade level six, seven, or eight as a penalty for the
3 student's academic performance or behavior.

4 SECTION 2. Section 28.025, Education Code, is amended by
5 amending Subsection (b-1) and adding Subsection (b-24) to read as
6 follows:

7 (b-1) The State Board of Education by rule shall require
8 that the curriculum requirements for the foundation high school
9 program under Subsection (a) include a requirement that students
10 successfully complete:

11 (1) four credits in English language arts under
12 Section 28.002(a)(1)(A), including one credit in English I, one
13 credit in English II, one credit in English III, and one credit in
14 an advanced English course authorized under Subsection (b-2);

15 (2) three credits in mathematics under Section
16 28.002(a)(1)(B), including one credit in Algebra I, one credit in
17 geometry, and one credit in any advanced mathematics course
18 authorized under Subsection (b-2);

19 (3) three credits in science under Section
20 28.002(a)(1)(C), including one credit in biology, one credit in any
21 advanced science course authorized under Subsection (b-2), and one
22 credit in integrated physics and chemistry or in an additional
23 advanced science course authorized under Subsection (b-2);

24 (4) three credits in social studies under Section
25 28.002(a)(1)(D), including one credit in United States history, at
26 least one-half credit in government and at least one-half credit in
27 economics or personal financial literacy & economics, and one

1 credit in world geography or world history;

2 (5) except as provided under Subsections (b-12),
3 (b-13), and (b-14), two credits in the same language in a language
4 other than English under Section 28.002(a)(2)(A);

5 (6) four and one-half [~~five~~] elective credits;

6 (7) one credit in fine arts under Section
7 28.002(a)(2)(D); [~~and~~]

8 (8) except as provided by Subsection (b-11), one
9 credit in physical education under Section 28.002(a)(2)(C); and

10 (9) one-half credit in nutrition education.

11 (b-24) In adopting rules under Subsection (b-1), the State
12 Board of Education shall ensure that a course on nutrition
13 education taken to comply with the requirement under Subsection
14 (b-1)(9) includes curriculum requirements based on nutritional
15 guidelines recommended by the Texas Nutrition Advisory Committee
16 established under Chapter 119B, Health and Safety Code.

17 SECTION 3. Subchapter F, Chapter 51, Education Code, is
18 amended by adding Section 51.3025 to read as follows:

19 Sec. 51.3025. NUTRITION EDUCATION COURSEWORK. (a) In this
20 section, "institution of higher education" has the meaning assigned
21 by Section 61.003.

22 (b) The Texas Higher Education Coordinating Board by rule
23 shall require institutions of higher education to require each
24 student enrolled in an associate or baccalaureate degree program at
25 the institution to complete a course of instruction in nutrition
26 education. The course must include curriculum requirements based
27 on nutritional guidelines recommended by the Texas Nutrition

1 Advisory Committee established under Chapter 119B, Health and
2 Safety Code.

3 SECTION 4. Subchapter A, Chapter 63, Education Code, is
4 amended by adding Section 63.0025 to read as follows:

5 Sec. 63.0025. REQUIRED NUTRITION CURRICULUM. A
6 health-related institution of higher education listed in Section
7 63.002(c) is eligible for distribution of money under this
8 subchapter only if the institution:

9 (1) develops nutrition curriculum requirements based
10 on nutritional guidelines recommended by the Texas Nutrition
11 Advisory Committee established under Chapter 119B, Health and
12 Safety Code; and

13 (2) requires all medical students or students in other
14 health-related majors who are enrolled at the institution to
15 successfully complete the curriculum requirements developed under
16 Subdivision (1).

17 SECTION 5. Subchapter B, Chapter 63, Education Code, is
18 amended by adding Section 63.103 to read as follows:

19 Sec. 63.103. REQUIRED NUTRITION CURRICULUM. A
20 health-related institution of higher education listed in Section
21 63.101(a) is eligible for distribution of money from a fund
22 established under this subchapter only if the institution:

23 (1) develops nutrition curriculum requirements based
24 on nutritional guidelines recommended by the Texas Nutrition
25 Advisory Committee established under Chapter 119B, Health and
26 Safety Code; and

27 (2) requires all medical students or students in other

1 health-related majors who are enrolled at the institution to
2 successfully complete the curriculum requirements developed under
3 Subdivision (1).

4 SECTION 6. Subchapter C, Chapter 63, Education Code, is
5 amended by adding Section 63.2025 to read as follows:

6 Sec. 63.2025. REQUIRED NUTRITION CURRICULUM. A
7 health-related institution providing graduate medical education is
8 eligible for a grant award under this subchapter only if the
9 institution:

10 (1) develops nutrition curriculum requirements based
11 on nutritional guidelines recommended by the Texas Nutrition
12 Advisory Committee established under Chapter 119B, Health and
13 Safety Code; and

14 (2) requires all students in nursing, allied health,
15 or other health-related majors who are enrolled at the institution
16 to successfully complete the curriculum requirements developed
17 under Subdivision (1).

18 SECTION 7. Subchapter D, Chapter 63, Education Code, is
19 amended by adding Section 63.303 to read as follows:

20 Sec. 63.303. REQUIRED NUTRITION CURRICULUM. A
21 health-related institution providing graduate medical education is
22 eligible for a grant award under this subchapter only if the
23 institution:

24 (1) develops nutrition curriculum requirements based
25 on nutritional guidelines recommended by the Texas Nutrition
26 Advisory Committee established under Chapter 119B, Health and
27 Safety Code; and

1 (2) requires all medical students or students in other
2 health-related majors who are enrolled at the institution to
3 successfully complete the curriculum requirements developed under
4 Subdivision (1).

5 SECTION 8. Subtitle E, Title 2, Health and Safety Code, is
6 amended by adding Chapter 119B to read as follows:

7 CHAPTER 119B. TEXAS NUTRITION ADVISORY COMMITTEE

8 Sec. 119B.001. DEFINITION. In this chapter, "advisory
9 committee" means the Texas Nutrition Advisory Committee.

10 Sec. 119B.002. ADVISORY COMMITTEE ESTABLISHED. The Texas
11 Nutrition Advisory Committee is established to develop nutritional
12 guidelines for residents of this state. The advisory committee is
13 administratively attached to the department.

14 Sec. 119B.003. MEMBERSHIP. (a) The advisory committee is
15 composed of seven members appointed by the governor, including at
16 least:

17 (1) one expert in metabolic health;

18 (2) one licensed physician certified in functional
19 medicine;

20 (3) one member representing the Texas Department of
21 Agriculture;

22 (4) one member representing a rural community; and

23 (5) one member representing an urban community.

24 (b) In appointing the advisory committee members, the
25 governor must:

26 (1) consider recommendations provided by:

27 (A) the chair of the senate committee on health

1 and human services;

2 (B) the chair of the house of representatives
3 committee on public health; and

4 (C) the chair of the house of representatives
5 committee on human services; and

6 (2) ensure not more than two members are affiliated
7 with an academic or health-related institution of higher education
8 if the appointment could reasonably create a conflict of interest
9 between the goals of the advisory committee and the goals of the
10 institution.

11 (c) The governor may not appoint as an advisory committee
12 member an individual who:

13 (1) owns or controls an ownership interest in a food,
14 beverage, or pharmaceutical manufacturing company; or

15 (2) is related within the third degree of
16 consanguinity or affinity, as determined by Chapter 573, Government
17 Code, to an individual who owns or controls an ownership interest in
18 a food, beverage, or pharmaceutical manufacturing company.

19 (d) Before accepting an appointment under this section, an
20 individual must disclose all past or existing affiliations with a
21 food, beverage, or pharmaceutical manufacturing company or any
22 other affiliation that could reasonably create a conflict of
23 interest with the goals of the advisory committee. An advisory
24 committee member who fails to disclose an affiliation described by
25 this subsection is subject to removal by the governor.

26 (e) Advisory committee members serve staggered two-year
27 terms.

1 Sec. 119B.004. ADVISORY COMMITTEE DUTIES. The advisory
2 committee shall:

3 (1) examine the impact of nutrition on human health
4 and examine the connection between ultra-processed foods,
5 including foods containing artificial color and food additives, and
6 the prevalence of chronic diseases and other chronic health issues;

7 (2) provide an independent review of scientific
8 studies analyzing the effects of ultra-processed foods on human
9 health;

10 (3) provide education on the effects of
11 ultra-processed foods on human health; and

12 (4) develop and maintain dietary and nutritional
13 guidelines based on the consensus of available scientific studies
14 and information concerning diet and nutrition.

15 Sec. 119B.005. ANNUAL REPORT. Not later than September 1 of
16 each year, the advisory committee shall prepare and submit to the
17 department, the governor, the lieutenant governor, the speaker of
18 the house of representatives, and each standing committee of the
19 legislature with primary jurisdiction over health and safety a
20 written report that includes:

21 (1) a summary of the scientific studies;

22 (2) nutritional guidelines incorporating any new
23 scientific findings; and

24 (3) any other recommendations the advisory committee
25 considers appropriate based on new scientific studies.

26 Sec. 119B.006. DEPARTMENT NUTRITIONAL GUIDELINES WEBPAGE.

27 (a) The department shall post on a publicly available webpage on

1 the department's Internet website the guidelines developed under
2 Section 119B.004 in a manner that is easily accessible and readily
3 understandable.

4 (b) The department shall annually update information posted
5 under this section based on the report submitted under Section
6 119B.005.

7 Sec. 119B.007. EXPIRATION. The advisory committee is
8 abolished and this chapter expires December 31, 2032.

9 Sec. 119B.008. RULES. The executive commissioner of the
10 Health and Human Services Commission may adopt rules as necessary
11 to implement this chapter.

12 SECTION 9. Section [431.0805](#), Health and Safety Code, is
13 amended by adding Subdivisions (6-a) and (11) to read as follows:

14 (6-a) "Food ready for immediate consumption" means
15 food that:

16 (A) is prepared, served, or sold by a restaurant,
17 lunch counter, cafeteria, deli, vending machine, hotel, mobile
18 vendor, or similar place of business, including a grocery store
19 containing a restaurant, lunch counter, cafeteria, deli, vending
20 machine, or similar place of business; and

21 (B) requires no further preparation by the
22 purchaser before consumption.

23 (11) "Prepared food" means:

24 (A) food ready for immediate consumption;

25 (B) food sold heated, including food heated by
26 the seller;

27 (C) food served with eating utensils provided by

1 the seller; and

2 (D) two or more food ingredients mixed or
3 combined by the seller for sale as a single food item:

4 (i) including items sold by weight or
5 volume as a single food item; and

6 (ii) not including food prepared at an
7 off-site location, refrigerated food typically heated before
8 consumption, or food only cut, repackaged, or pasteurized by the
9 seller.

10 SECTION 10. Subchapter D, Chapter 431, Health and Safety
11 Code, is amended by adding Sections 431.0815 and 431.0816 to read as
12 follows:

13 Sec. 431.0815. FOOD CONTAINING ARTIFICIAL COLOR,
14 ADDITIVES, OR CERTAIN BANNED CHEMICALS. (a) A food manufacturer
15 shall label each product the manufacturer offers for sale in this
16 state with a warning label disclosing the use of any of the
17 following ingredients in a product intended for human consumption:

18 (1) acesulfame potassium;

19 (2) acetylated esters of mono- and diglycerides
20 (acetic acid ester);

21 (3) activated charcoal;

22 (4) anisole;

23 (5) atrazine;

24 (6) azodicarbonamide (ADA);

25 (7) butylated hydroxyanisole (BHA);

26 (8) butylated hydroxytoluene (BHT);

27 (9) bleached flour;

- 1 (10) blue 1 (CAS 3844-45-9);
- 2 (11) blue 2 (CAS 860-22-0);
- 3 (12) bromated flour;
- 4 (13) calcium bromate;
- 5 (14) canthaxanthin;
- 6 (15) certified food colors by the United States Food
7 and Drug Administration;
- 8 (16) citrus red 2 (CAS 6358-53-8);
- 9 (17) diacetyl;
- 10 (18) diacetyl tartaric and fatty acid esters of mono-
11 and diglycerides (DATEM);
- 12 (19) dimethylamylamine (DMAA);
- 13 (20) dioctyl sodium sulfosuccinate (DSS);
- 14 (21) ficin;
- 15 (22) green 3 (CAS 2353-45-9);
- 16 (23) interesterified palm oil;
- 17 (24) interesterified soybean oil;
- 18 (25) lactylated fatty acid esters of glycerol and
19 propylene glycol;
- 20 (26) lye;
- 21 (27) melatonin;
- 22 (28) morpholine;
- 23 (29) olestra;
- 24 (30) partially hydrogenated oil (PHO);
- 25 (31) potassium aluminum sulfate;
- 26 (32) potassium bromate;
- 27 (33) potassium iodate;

- 1 (34) potassium sorbate;
- 2 (35) propylene oxide;
- 3 (36) propylparaben;
- 4 (37) red 3 (CAS 16423-68-0);
- 5 (38) red 4 (CAS 4548-53-2);
- 6 (39) red 40 (CAS 25956-17-6);
- 7 (40) sodium aluminum sulfate;
- 8 (41) sodium lauryl sulfate;
- 9 (42) sodium stearyl fumarate;
- 10 (43) stearyl tartrate;
- 11 (44) synthetic or artificial vanillin;
- 12 (45) synthetic trans fatty acid;
- 13 (46) thiodipropionic acid;
- 14 (47) titanium dioxide;
- 15 (48) toluene;
- 16 (49) yellow 5 (CAS 1934-21-0); and
- 17 (50) yellow 6 (CAS 2783-94-0).

18 (b) The warning label must:

19 (1) include the following statement if the food
20 contains an artificial color, chemical, or food additive, printed
21 in a font size not smaller than the largest font used to disclose
22 other consumer information:

23 "WARNING: This product contains an artificial color,
24 chemical, or food additive that is banned in Australia, Canada, the
25 European Union, or the United Kingdom.";

26 (2) be placed in a prominent and reasonably visible
27 location; and

1 (3) have sufficiently high contrast with the immediate
2 background to ensure the warning is likely to be seen and understood
3 by the ordinary individual under customary conditions of purchase
4 and use.

5 (c) A food manufacturer that offers a product described by
6 Subsection (a) for sale in this state on the manufacturer's
7 Internet website shall disclose to the consumer all labeling
8 information required under Subsection (b) and department rule by:

9 (1) posting a legible statement on the manufacturer's
10 Internet website; or

11 (2) otherwise communicating the information to the
12 consumer.

13 (d) This section does not apply to:

14 (1) an ingredient used in a product not intended for
15 human consumption; or

16 (2) a prepared food or food ready for immediate
17 consumption that is labeled and prepared, served, or sold in a
18 retail establishment.

19 (e) This section does not create a private cause of action
20 for a violation of this section.

21 Sec. 431.0816. ENFORCEMENT BY ATTORNEY GENERAL. (a) If the
22 attorney general believes a manufacturer has violated or is
23 violating Section 431.0815, the attorney general may bring an
24 action on behalf of this state to enjoin the manufacturer from
25 violating that section.

26 (b) In addition to seeking an injunction under Subsection
27 (a), the attorney general may request and the court may order any

1 other relief that may be in the public interest, including:

2 (1) the imposition of a civil penalty in an amount not
3 to exceed \$50,000 for each violation of Section 431.0815; and

4 (2) an order requiring reimbursement to this state for
5 the reasonable value of investigating and bringing an enforcement
6 action for a violation of Section 431.0815.

7 SECTION 11. Subchapter B, Chapter 156, Occupations Code, is
8 amended by adding Section 156.061 to read as follows:

9 Sec. 156.061. CONTINUING EDUCATION IN NUTRITION AND
10 METABOLIC HEALTH. (a) A physician licensed under this subtitle who
11 submits an application for renewal of a license to practice
12 medicine must complete, in accordance with this section and rules
13 adopted under this section, continuing medical education regarding
14 nutrition and metabolic health.

15 (b) The board shall adopt rules to implement this section.
16 The rules must prescribe:

17 (1) the number of hours of the continuing medical
18 education required by this section; and

19 (2) the content of the continuing medical education
20 required by this section by using the nutritional guidelines
21 provided by the Texas Nutrition Advisory Committee under Chapter
22 119B, Health and Safety Code.

23 SECTION 12. Subchapter D, Chapter 204, Occupations Code, is
24 amended by adding Section 204.1563 to read as follows:

25 Sec. 204.1563. CONTINUING MEDICAL EDUCATION IN NUTRITION
26 AND METABOLIC HEALTH. (a) As part of continuing medical education
27 requirements under Section 204.1562, a license holder shall

1 complete, in accordance with this section and rules adopted under
2 this section, continuing medical education regarding nutrition and
3 metabolic health.

4 (b) The medical board, on recommendations of the physician
5 assistant board, shall adopt rules to implement this section. The
6 rules must prescribe:

7 (1) the number of hours of the continuing medical
8 education required by this section; and

9 (2) the content of the continuing medical education
10 required by this section by using the nutritional guidelines
11 provided by the Texas Nutrition Advisory Committee under Chapter
12 119B, Health and Safety Code.

13 SECTION 13. Subchapter G, Chapter 301, Occupations Code, is
14 amended by adding Section 301.309 to read as follows:

15 Sec. 301.309. CONTINUING EDUCATION IN NUTRITION AND
16 METABOLIC HEALTH. (a) As part of continuing education
17 requirements under Section 301.303, a license holder shall
18 complete, in accordance with this section and rules adopted under
19 this section, continuing education regarding nutrition and
20 metabolic health.

21 (b) The board shall adopt rules to implement this section.
22 The rules must prescribe:

23 (1) the number of hours of the continuing education
24 required by this section; and

25 (2) the content of the continuing education required
26 by this section by using the nutritional guidelines provided by the
27 Texas Nutrition Advisory Committee under Chapter 119B, Health and

1 Safety Code.

2 SECTION 14. (a) Section 28.002(1), Education Code, as
3 amended by this Act, applies only to students entering the sixth
4 grade during the 2026-2027 school year or a later school year. For
5 students entering a grade above sixth grade during the 2026-2027
6 school year, Section 28.002(1), Education Code, as that section
7 existed before amendment by this Act, applies, and that section is
8 continued in effect for that purpose.

9 (b) Section 28.025(b-1), Education Code, as amended by this
10 Act, applies only to students entering the ninth grade during the
11 2027-2028 school year or a later school year. For students entering
12 a grade above ninth grade during the 2027-2028 school year, Section
13 28.025(b-1), Education Code, as that section existed before
14 amendment by this Act, applies, and that section is continued in
15 effect for that purpose.

16 SECTION 15. Section 51.3025, Education Code, as added by
17 this Act, applies beginning with entering students enrolling in an
18 associate or baccalaureate degree program at a public institution
19 of higher education on or after July 1, 2027.

20 SECTION 16. (a) Not later than July 1, 2027, a
21 health-related institution of higher education shall develop and
22 implement curriculum required by Sections 63.0025, 63.103,
23 63.2025, and 63.303, Education Code, as added by this Act, to remain
24 eligible for funding under those sections.

25 (b) A health-related institution of higher education is not
26 required to comply with Sections 63.0025, 63.103, 63.2025, and
27 63.303, Education Code, as added by this Act, until July 1, 2027.

1 SECTION 17. (a) Not later than December 31, 2025, the
2 governor shall appoint the members of the Texas Nutrition Advisory
3 Committee established under Chapter 119B, Health and Safety Code,
4 as added by this Act, and shall provide for staggered member terms
5 as required by that chapter.

6 (b) Not later than September 1, 2026, the Texas Nutrition
7 Advisory Committee shall prepare and submit to the Department of
8 State Health Services, the governor, the lieutenant governor, the
9 speaker of the house, and each standing committee of the
10 legislature with primary jurisdiction over health and safety the
11 initial report required under Section 119B.005, Health and Safety
12 Code, as added by this Act.

13 (c) As soon as practicable after the submission of the
14 report under Subsection (b) of this section, the Department of
15 State Health Services shall post information required under Section
16 119B.006, Health and Safety Code, as added by this Act, on the
17 department's Internet website.

18 SECTION 18. (a) Not later than December 31, 2025, the
19 executive commissioner of the Health and Human Services Commission
20 shall adopt rules to implement changes made by Section 431.0815,
21 Health and Safety Code, as added by this Act.

22 (b) Section 431.0815, Health and Safety Code, as added by
23 this Act, applies only to a food product label developed or
24 copyrighted on or after January 1, 2027.

25 SECTION 19. (a) Section 156.061, Occupations Code, as
26 added by this Act, applies only to an application for license
27 renewal filed on or after January 1, 2027. An application for

1 license renewal filed before that date is governed by the law in
2 effect on the date the application was filed, and the former law is
3 continued in effect for that purpose.

4 (b) Not later than December 31, 2026, the Texas Medical
5 Board shall adopt the rules required by Section 156.061,
6 Occupations Code, as added by this Act.

7 SECTION 20. (a) Section 204.1563, Occupations Code, as
8 added by this Act, applies only to an application for license
9 renewal filed on or after January 1, 2027. An application for
10 license renewal filed before that date is governed by the law in
11 effect on the date the application was filed, and the former law is
12 continued in effect for that purpose.

13 (b) Not later than December 31, 2026, the Texas Medical
14 Board shall adopt the rules required by Section 204.1563,
15 Occupations Code, as added by this Act.

16 SECTION 21. (a) Section 301.309, Occupations Code, as
17 added by this Act, applies only to an application for license
18 renewal filed on or after January 1, 2027. An application for
19 license renewal filed before that date is governed by the law in
20 effect on the date the application was filed, and the former law is
21 continued in effect for that purpose.

22 (b) Not later than December 31, 2026, the Texas Board of
23 Nursing shall adopt the rules required by Section 301.309,
24 Occupations Code, as added by this Act.

25 SECTION 22. This Act takes effect September 1, 2025.