

By: Kolkhorst

S.B. No. 25

A BILL TO BE ENTITLED

AN ACT

1
2 relating to health and nutrition standards to promote healthy
3 living.

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

1 concerns or other factors, the district may as an alternative
2 require a student in that grade level to participate in moderate or
3 vigorous physical activity for at least 135 minutes during each
4 school week. Additionally, a school district may as an alternative
5 require a student enrolled in a grade level for which the district
6 uses block scheduling to participate in moderate or vigorous
7 physical activity for at least 225 minutes during each period of two
8 school weeks. A school district must provide for an exemption for:

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

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

15 (1-4) In providing a physical education curriculum under
16 Subsection (1), a school employee may not restrict participation
17 in:

18 (1) recess or other physical activity offered as part
19 of the district's physical education curriculum for a student
20 enrolled in kindergarten or in a grade level below grade six as a
21 penalty for the student's academic performance or behavior; or

22 (2) physical activity offered as part of the
23 district's physical education curriculum for a student enrolled in
24 grade level six, seven, or eight as a penalty for the student's
25 academic performance or behavior.

26 SECTION 2. Subchapter A, Chapter 63, Education Code, is
27 amended by adding Section 63.0025 to read as follows:

1 Sec. 63.0025. REQUIRED NUTRITION CURRICULUM. A
2 health-related institution of higher education listed in Section
3 63.002(c) is eligible for distribution of money under this
4 subchapter only if the institution:

5 (1) develops nutrition curriculum requirements based
6 on nutrition guidelines recommended by the Texas Nutrition Advisory
7 Committee established under Chapter 119B, Health and Safety Code;
8 and

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

13 SECTION 3. Subchapter B, Chapter 63, Education Code, is
14 amended by adding Section 63.103 to read as follows:

15 Sec. 63.103. REQUIRED NUTRITION CURRICULUM. A
16 health-related institution of higher education listed in Section
17 63.101(a) is eligible for distribution of money from a fund
18 established under this subchapter only if the institution:

19 (1) develops nutrition curriculum requirements based
20 on nutrition guidelines recommended by the Texas Nutrition Advisory
21 Committee established under Chapter 119B, Health and Safety Code;
22 and

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

27 SECTION 4. Subchapter C, Chapter 63, Education Code, is

1 amended by adding Section 63.2025 to read as follows:

2 Sec. 63.2025. REQUIRED NUTRITION CURRICULUM. A
3 health-related institution providing graduate medical education is
4 eligible for a grant award under this subchapter only if the
5 institution:

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

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

14 SECTION 5. Subchapter D, Chapter 63, Education Code, is
15 amended by adding Section 63.303 to read as follows:

16 Sec. 63.303. REQUIRED NUTRITION CURRICULUM. A
17 health-related institution providing graduate medical education is
18 eligible for a grant award under this subchapter only if the
19 institution:

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

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

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

3 CHAPTER 119B. TEXAS NUTRITION ADVISORY COMMITTEE

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

6 Sec. 119B.002. ADVISORY COMMITTEE ESTABLISHED. The Texas
7 Nutrition Advisory Committee is established to develop nutritional
8 guidelines for residents of this state. The advisory committee is
9 administratively attached to the department.

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

13 (1) one expert in metabolic health;

14 (2) one licensed physician certified in functional
15 medicine;

16 (3) one member representing the Texas Department of
17 Agriculture;

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

19 (5) one member representing an urban community.

20 (b) In appointing the advisory committee members, the
21 governor must:

22 (1) consider recommendations provided by:

23 (A) the chair of the senate committee on health
24 and human services;

25 (B) the chair of the house of representatives
26 committee on public health; and

27 (C) the chair of the house of representatives

1 committee on human services; and

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

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

9 (1) owns or controls a three percent or greater
10 ownership interest in a food, beverage, or pharmaceutical
11 manufacturing company; or

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

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

24 (e) Advisory committee members serve staggered two-year
25 terms.

26 Sec. 119B.004. ADVISORY COMMITTEE DUTIES. The advisory
27 committee shall:

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

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

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

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

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

19 (1) a summary of the scientific studies;

20 (2) nutritional guidelines incorporating any new
21 scientific findings; and

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

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

25 (a) The department shall post on a publicly available webpage on
26 the department's Internet website the guidelines developed under
27 Section 119B.004 in a manner that is easily accessible and readily

1 understandable.

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

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

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

10 SECTION 7. Subchapter D, Chapter 431, Health and Safety
11 Code, is amended by adding Section 431.0815 to read as follows:

12 Sec. 431.0815. FOOD CONTAINING ARTIFICIAL COLOR,
13 ADDITIVES, OR CERTAIN BANNED CHEMICALS. (a) A food manufacturer
14 shall label each product the manufacturer offers for sale with a
15 warning label disclosing the use of any:

- 16 (1) artificial color;
17 (2) food additive; or
18 (3) other chemical ingredient banned by Canada, the
19 European Union, or the United Kingdom.

20 (b) The warning label must:

- 21 (1) include at least one of the following statements,
22 as applicable:

23 (A) if the food contains an artificial color or
24 food additive, a statement substantially similar to the following,
25 printed in a font size not smaller than the largest font used to
26 disclose other consumer information:

27 "WARNING: This product contains artificial color or a

1 food additive. Some scientific research suggests artificial colors
2 and food additives may affect individuals with certain health
3 conditions. For more information, visit [insert link to the United
4 States Food and Drug Administration's Internet website]."; or

5 (B) if the food contains a banned chemical
6 described by Subsection (a), a statement substantially similar to
7 the following, printed in a font size not smaller than the largest
8 font used to disclose other consumer information:

9 "WARNING: This product may expose you to [Name of
10 Chemical], which is banned by [Name of Country].";

11 (2) be placed in a prominent and reasonably visible
12 location; and

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

17 (c) A food manufacturer that offers a product described by
18 Subsection (a) for sale on the manufacturer's Internet website
19 shall disclose to the consumer all labeling information required
20 under Subsection (b) and department rules by:

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

23 (2) otherwise communicating the information to the
24 consumer.

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

27 Sec. 156.061. CONTINUING EDUCATION IN NUTRITION AND

1 METABOLIC HEALTH. (a) A physician licensed under this subtitle who
2 submits an application for renewal of a license to practice
3 medicine must complete, in accordance with this section and rules
4 adopted under this section, continuing medical education regarding
5 nutrition and metabolic health.

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

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

10 (2) the content of the continuing medical education
11 required by this section by using the nutritional guidelines
12 provided by the Texas Nutrition Advisory Committee under Chapter
13 119B, Health and Safety Code.

14 SECTION 9. (a) Section 28.002(1), Education Code, as
15 amended by this Act, applies only to students entering the sixth
16 grade during the 2026-2027 school year or a later school year. For
17 students entering a grade above sixth grade during the 2026-2027
18 school year, Section 28.002(1), Education Code, as that section
19 existed before amendment by this Act, applies, and that section is
20 continued in effect for that purpose.

21 (b) Section 28.002(1-4), Education Code, as added by this
22 Act, applies beginning with the 2026-2027 school year.

23 SECTION 10. (a) Not later than July 1, 2027, a
24 health-related institution of higher education shall develop and
25 implement curriculum required by Sections 63.0025, 63.103,
26 63.2025, and 63.303, Education Code, as added by this Act, to remain
27 eligible for funding under those sections.

1 (b) A health-related institution of higher education is not
2 required to comply with Sections 63.0025, 63.103, 63.2025, and
3 63.303, Education Code, as added by this Act, until July 1, 2027.

4 SECTION 11. (a) Not later than December 31, 2025, the
5 governor shall appoint the members of the Texas Nutrition Advisory
6 Committee established under Chapter 119B, Health and Safety Code,
7 as added by this Act, and shall provide for staggered member terms
8 as required by that chapter.

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

16 (c) As soon as practicable after the submission of the
17 report under Subsection (b) of this section, the Department of
18 State Health Services shall post information required under Section
19 119B.006, Health and Safety Code, as added by this Act, on the
20 department's Internet website.

21 SECTION 12. (a) Not later than December 31, 2025, the
22 executive commissioner of the Health and Human Services Commission
23 shall adopt rules to implement changes made by Section 431.0815,
24 Health and Safety Code, as added by this Act.

25 (b) Section 431.0815, Health and Safety Code, as added by
26 this Act, applies only to the labeling of food products
27 manufactured on or after January 1, 2026.

1 SECTION 13. (a) Section 156.061, Occupations Code, as
2 added by this Act, applies only to an application for license
3 renewal filed on or after January 1, 2027. An application for
4 license renewal filed before that date is governed by the law in
5 effect on the date the application was filed, and the former law is
6 continued in effect for that purpose.

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

10 SECTION 14. This Act takes effect September 1, 2025.