

By: Middleton

S.B. No. 823

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

1 section.

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

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

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

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

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