

1-1 By: Middleton S.B. No. 823
1-2 (In the Senate - Filed January 16, 2025; February 7, 2025,
1-3 read first time and referred to Committee on Water, Agriculture and
1-4 Rural Affairs; May 21, 2025, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 2;
1-6 May 21, 2025, sent to printer.)

1-7 COMMITTEE VOTE

1-8	Yea	Nay	Absent	PNV
1-9	X			
1-10		X		
1-11			X	
1-12	X			
1-13		X		
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 823 By: Hancock

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to labeling and representation of imported shrimp;
1-22 authorizing an administrative penalty.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter F, Chapter 436, Health and Safety
1-25 Code, is amended by adding Section 436.083 to read as follows:

1-26 Sec. 436.083. LABELING OF SHRIMP. (a) For purposes of this
1-27 section, a shrimp is considered to be imported if the shrimp does
1-28 not satisfy the United States country of origin requirements for
1-29 wild or farm-raised shellfish established by 7 C.F.R. Section
1-30 60.128, or successor regulations.

1-31 (b) A food service supplier, wholesaler, distributor, or
1-32 wholesale distributor may not sell shrimp in this state unless the
1-33 shrimp's label includes a clear and conspicuous notice stating
1-34 whether the shrimp is imported.

1-35 (c) A restaurant shall not label or represent imported
1-36 shrimp as "Texas shrimp," "American shrimp," "Domestic shrimp," or
1-37 "Gulf shrimp."

1-38 (d) The department, a public health district, a county, or a
1-39 municipality that under Chapter 431 or 437 requires a restaurant,
1-40 food service supplier, wholesaler, distributor, or wholesale
1-41 distributor to hold a license or permit to operate in this state may
1-42 impose an administrative penalty against the license or permit
1-43 holder for a violation of this section or a rule adopted under this
1-44 section.

1-45 (e) It is an affirmative defense to the imposition of an
1-46 administrative penalty under this section that the license or
1-47 permit holder believed in good faith the shrimp was not imported.

1-48 (f) This section does not create a private cause of action
1-49 or change any common law or statutory duty.

1-50 (g) This section does not apply to foods served or prepared
1-51 in similar retail food establishments, such as grocery stores or
1-52 other food enterprises located within grocery stores, or properly
1-53 labeled shrimp packaged by itself or as an ingredient in another
1-54 packaged food product that is sold packaged.

1-55 SECTION 2. As soon as practicable after the effective date
1-56 of this Act, the executive commissioner of the Health and Human
1-57 Services Commission shall adopt rules necessary to implement
1-58 Section 436.083, Health and Safety Code, as added by this Act.

1-59 SECTION 3. This Act takes effect September 1, 2025.

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