

## **BILL ANALYSIS**

Senate Research Center

S.B. 1031  
By: Madla  
Health Services  
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As Filed

### **DIGEST**

Currently, Section 434.007, Health and Safety Code, requires all loaves of bread sold in wholesale or retail markets to be sold in loaves of one pound, one and one-half pounds, or any other multiple of one pound. For many years, the Texas Department of Health interpreted the federal laws to preempt the state statute regarding bread loaf weights and has conducted its inspections of bread manufacturers, wholesalers, and retail bakeries based on other federal law and state law, not Section 434.007, Health and Safety Code. On February 26, 1999, Attorney General's Opinion No. JC-0007 was rendered in response to a request by the commissioner of health regarding the preemption issue; the opinion stated that "the federal Nutrition Labeling and Education Act of 1990, 21 U.S.C. Section 343-1 (1994), does not preempt Texas Health and Safety Code Section 434.007, which establishes standard weights for bread loaves. . ." Section 434.007, Health and Safety Code, compels the Texas Department of Health to enforce this antiquated law and require Texas bakeries to adhere to baking and packaging their products in certain sizes. S.B. 1031 would repeal Section 434.007, Health and Safety Code, regarding these weight standards for loaves of bread.

### **PURPOSE**

As proposed, S.B. 1031 repeals Section 434.007, Health and Safety Code, regarding weight standards for loaves of bread.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Repealer: Section 434.007, Health and Safety Code (Weight Standards for Bread Loaves).

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.