

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 204
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Health & Human Services
5/1/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

From 2000 to 2007, the obesity rate in Texas increased from 23 percent to 29 percent. The Texas state demographer has predicted that 15 million Texans will be obese by the year 2040. Cardiac disease, stroke, and cancer are the three leading causes of death in the United States, and obesity is a contributing factor to each. In addition, obesity is highly correlated with Type-2 diabetes, the fifth-leading cause of death. Currently, diabetes affects 1.8 million adult Texans. Finally, high obesity rates translate into enormous health costs, with the Texas Department of State Health Services reporting that economic costs related to obesity could reach as much as \$39 billion by 2040.

C.S.S.B. 204 amends current law relating to a prohibition of foods containing trans fat.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 437, Health and Safety Code, by adding Section 437.022, as follows:

Sec. 437.022. FOODS CONTAINING TRANS FAT. (a) Defines "food," "label," "food service establishment," and "trans fat."

(b) Provides that this section does not apply to certain entities.

(c) Requires a food service establishment (establishment) to maintain on the establishment's premises an original label for any food or food additive that is required by federal law to have a label affixed to it when purchased and that contains a fat for as long as the food or food additive is used, stored, or served by the establishment.

(d) Requires an establishment, on request, to make a label required under Subsection (c) available to a person conducting an inspection under Section 437.009 (Inspections).

(e) Prohibits a food service establishment from packaging, storing, or using a trans fat to prepare or serve food, except for a trans fat used to deep-fry yeast dough or cake batter; or a packaged food to be served in its original package with a label indicating that the food has a trans fat content of less than 0.5 grams per serving.

(e-1) Provides that Subsection (e) does not apply to a food service establishment that is not part of a chain operating with the same name or as a franchised outlet of the same parent company at 15 or more locations in this state. Provides that this subsection expires August 31, 2011.

(f) Prohibits a food service establishment from preparing, packaging, storing, or serving a food containing trans fat except for a packaged food served in an

original package with a label indicating that the food has a trans fat content of less than 0.5 grams per serving.

(g) Provides that Subsections (e) and (f) do not apply to a food service establishment that contracts with a food manufacturer or distributor for the provision of a food that is prepared wholly or partly by the manufacturer or distributor and served by the food service establishment without the food's original packaging. Provides that for an individual food service establishment, the exemption under this subsection expires on the later of:

(1) the date the contract between the food service establishment and the food manufacturer or distributor expires, excluding an extension provided for on or after September 1, 2009, if the contract was executed before September 1, 2009; or

(2) August 31, 2011.

SECTION 2. Provides that the effective date for this Act is September 1, 2009, the effective date for Section 437.022(e), Health and Safety Code, is September 1, 2010, and the effective date for Section 437.022(f), Health and Safety Code, is September 1, 2011.