

BILL ANALYSIS

Senate Research Center
78R2690 CLG-D

H.B. 470
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Business & Commerce
5/22/2003
Engrossed

DIGEST AND PURPOSE

Persons who follow the Muslim faith observe dietary laws specifying foods that cannot be eaten and how certain foods must be prepared. Food that is prepared according to these laws is called "halal," which means "lawful" in Arabic. Merchants who sell food to those of the Muslim faith often advertise that their food as halal. Currently, there is no penalty for falsely advertising that food being sold is halal. H.B. 470 requires a person, if the person sells both halal meat and nonhalal meat in the same retail store, to clearly label halal meat with the word "halal" and requires unpackaged meat in a display case to be labeled "halal" or "nonhalal" as applicable. This bill also provides for a civil remedy and a criminal penalty under the Deceptive Trade Practices Act.

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 17, Business & Commerce Code, by adding Subchapter I, as follows:

SUBCHAPTER I. LABELING, ADVERTISING, AND SALE OF HALAL FOODS

Sec. 17.881. DEFINITIONS. Defines "halal," "label," "person," "restaurant," "retail store," and "sell."

Sec. 17.882. MEAT LABELING. (a) Requires a person, if the person sells both halal meat and nonhalal meat in the same retail store, to clearly label each portion of halal meat with the word "halal." Requires the display case or container in which meat is displayed, if an unwrapped or unpackaged meat product is displayed for sale, to be clearly labeled with the word "halal" or "nonhalal," as applicable.

(b) Provides that a person commits an offense if the person is required to label meat in accordance with this section and the person knowingly sells meat that is not labeled as provided in this section.

Sec. 17.883. SALE OF NONHALAL FOOD. Provides that a person commits an offense if the person knowingly or intentionally sells at a restaurant or a retail store a food product that is represented as halal food and is not halal food and the person either knows the food is not halal food or was reckless about determining whether or not the food is halal food.

Sec. 17.884. CIVIL REMEDY. Authorizes a consumer aggrieved by a violation of this subchapter to maintain a cause of action for damages in accordance with Section 17.50 (Relief for Consumer).

Sec. 17.885. CRIMINAL PENALTY. Provides that an offense under this subchapter is punishable by the fine imposed for an offense under Section 17.12(d) (Deceptive

Advertising - misdemeanor with fine not less than \$10 nor more than \$200).

SECTION 2. Effective date: September 1, 2003.