

BILL ANALYSIS

Senate Research Center
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S.B. 1359
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Artificial trans fats, which are created by partially hydrogenated oils, are the most harmful fats for a person's health on a gram for gram basis. It is important that action be taken to reduce its consumption as trans fats pose a serious and costly problem. The consumption of trans fats is linked to an increase in mortality due to an elevated risk of coronary artery disease and stroke. It is estimated that there are 50,000 fatal heart attacks per year due to fatty acids.

The effect of the consumption of trans fats on the health of Texans cannot be overlooked. The risk for chronic health problems like cancer, diabetes, liver dysfunction, infertility, and obesity are increased due to extremely negative effects of trans fats both raising levels of LDL ("bad") cholesterol and lowering levels of HDL ("good") cholesterol. By addressing the negative effects of trans fats with a ban, Texas may be able to prevent these health conditions from persisting in the future.

S.B. 1359 initiates a statewide ban on the use of trans fats in Texas restaurants. Restaurants will not be able to prepare, package, store, or serve food that contains artificial trans fats unless it contains less than 0.5 grams of trans fat per serving and the original package is retained.

As proposed, S.B. 1359 amends current law relating to a prohibition of foods containing trans fat.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Department of State Health Services in SECTION 1 (Section 437.022, Health and Safety Code) of this bill.

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" in this section.

(b) Provides that this section does not apply to:

- (1) a nonprofit organization;
- (2) a volunteer fire department that serves food to the public only four days or less in any week, except that once each year the fire department may serve food to the public for not more than 30 consecutive days;
- (3) a kitchen in a private home where food is prepared at no charge for guests in the home or at a social gathering;
- (4) a shelter where food is prepared at no charge for unemployed, homeless, or other disadvantaged populations;

(5) a caterer that prepares food for consumption by persons in a private home or at a private social gathering;

(6) a food preparation area or serving area where only food that is not potentially hazardous food, as determined under the 2005 Model Food Code of the United States Food and Drug Administration and the guidelines interpreting that model code, or a subsequent model food code and related guidelines adopted by Department of State Health Services rule, is prepared or served by an organization described by Subdivision (1) or (2);

(7) a business that attributes at least 50 percent of the business's gross receipts to the retail sale of gasoline and diesel fuel to consumers; or

(8) a grocery store, not including a separately owned restaurant located inside of a grocery store.

(c) Requires a food service establishment to maintain on the food service 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 trans fat for as long as the food or food additive is used, stored, or served by the food service establishment.

(d) Requires a food service 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 preparing, packaging, storing, or serving a food that contains a trans fat or use a trans fat to prepare a food, except that a food service establishment is authorized to:

(1) use a trans fat to prepare bakery items, including items made with yeast dough or cake batter;

(2) store or serve a packaged food in an original package with a label indicating that the food has a trans fat content of less than 0.5 grams per serving; and

(3) prepare and package a food that contains a trans fat that will be labeled with an indication that the food has a trans fat content of less than 0.5 grams per serving.

(e-1) Provides that Subsection (e) applies only to a food service establishment that is 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, 2015.

(f) Provides that Subsection (e) does 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, 2013, if the contract was executed before September 1, 2013; or

(2) August 31, 2015.

SECTION 2. Effective date, except that Section 437.022(e), Health and Safety Code, as added by this Act, takes effect September 1, 2014: September 1, 2013.