

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 29, 2009

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB204 by Shapleigh (Relating to a prohibition of foods containing trans fat; providing a criminal penalty.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would require a food service establishment to maintain original labels for any food or food additive that contains any fat as long as the food is used or stored in the establishment. The labels are to be made available during an inspection by the Department of State Health Services (DSHS) or local health departments.

The bill would prohibit a food service establishment from using trans fats to prepare, package, store, or serve food, with certain exceptions. The bill exempts packaged food served directly to a consumer in the original sealed package with a nutritional facts label or other documentation from the manufacturer that indicates the food has 0.5 grams or less of trans fat.

The bill would create a misdemeanor offense punishable by a fine of no less than \$25 and no more than \$200.

DSHS assumes that any cost associated with implementing the bill can be absorbed within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated. The bill is not anticipated to impact county health departments or public health districts that currently have a food service inspection program. The Texas Food Establishment Rules contain provisions that require the inspectors to review food labels, which would not be an additional requirement and could be done during a routine inspection.

Source Agencies: 537 State Health Services, Department of

LBB Staff: JOB, CL, BM, MB, TP