

Nutrition Labeling in Chain Restaurants

State and Local Bills/Regulations - 2007

Passed in to law

King County (Seattle), Washington

<http://www.metrokc.gov/health/>

Status: On July 19, 2007 the King County Board of Health passed legislation that will require nutrition disclosure on menus and menu boards at fast-food and other chain restaurants by August 1, 2008.

Summary: The law requires chain restaurants with more than ten national locations and \$1 Million in annual sales to display calorie, saturated fat, trans fat, sodium, and carbohydrate information for foods and beverages on menus. If the restaurant uses a menu board, the calories will be posted on the board and the remaining nutrition information will be provided in a plainly visible format at the point of ordering. Only standard menu items, those on the menu for 60 days or more, are required to be labeled – occasional “specials” are exempt.

New York City

www.nyc.gov/health

Status: On December 5, 2006 the NYC Board of Health passed a regulation that will take effect on July 1, 2007.

Summary: As amended, Health Code Sec. 81.50 requires food service establishments that make calorie information for standardized menu items publicly available (published by or on behalf of the food service establishment) on or before March 1, 2007, to post that information on menu boards and menus next to each menu item. Food service establishments will be allowed to display the information in alternate ways subject to prior approval by the department of health.

Pending

Cities and Counties

Chicago

<http://www.chicityclerk.com/legislation/guides/index.html>

Status: On December 13, 2006, Alderman Edward M. Burke introduced a menu labeling ordinance. It was referred to the Committee on License and Consumer Protection. A hearing will be held in Spring 2007.

Summary: This bill requires restaurants with revenues exceeding \$10 million per year to display calories, fat and sodium information on menus and menu boards within six months of passage. Food service establishments will be allowed to display the

information in alternate ways subject to prior approval by the Department of Health. Supermarkets and convenience stores (establishments with over 75 percent of their sales from packaged foods) are exempt.

District of Columbia

<http://www.dccouncil.washington.dc.us>

Status: On March 6, 2007 by Councilmember Phil Mendelson (D) introduced the Menu Education and Labeling Act (B17-0139), co-introduced by Councilmember Marion Barry (D) and cosponsored by Councilmember Jack Evans (D). It was referred to the Health Committee.

Summary: The Menu Education and Labeling (MEAL) Act of 2007 would require restaurants, which are part of a chain having 10 or more locations nationally, to provide nutrition information for standard menu items as usually prepared and offered for sale. On printed menus, the information would include calories, saturated plus trans fat, carbohydrates, and sodium. Nutrition information on menu boards could be limited to calories, provided that additional information be made available to customers in writing upon request. Compliance would be determined within the course of regular health inspections of food facilities. Inspectors would not be required to verify accuracy of the nutritional information, but could request documentation of accuracy from corporate owners.

Philadelphia

<http://www.phila.gov/citycouncil/index.html>

Status: On March 1, 2007, Councilmember Blondell Reynolds Brown introduced a menu labeling ordinance (No. 070153), cosponsored by Councilmember Juan Ramos. It was referred to the Committee on Public Health. A hearing will be held in Fall 2007.

Summary: This bill amends the city's health code to require that calories, saturated plus trans fat, sodium and carbohydrates be displayed on menus and calories on menu boards in restaurants with ten or more units nationally. If a restaurant serves food in wrappers or boxes, they must display the nutrition information on the wrapper or box in a manner similar to packaged food labeling. This legislation would be effective six months after passage and set a fine of \$500 for noncompliance.

States

Arizona

<http://www.azleg.gov>

SB1436 Introduced January 29, 2007 by Senator Amanda Aguirre (D). Cosponsored by Representatives David Bradley, Steven M. Gallardo, Lynne Pancrazi, Phil Lopes, Theresa Ulmer and Senators Paula Aboud, Meg Burton Cahill, Ken Chevront, Albert

Hale, Debbie McCune Davis, Richard Miranda, Charlene Pesquiera, Rebecca Rios, Victor Soltero.

Status: Referred to the Committee on Commerce and Economic Development, the Committee on Health, and the Committee on Rules.

Summary: This bill would require fast-food and other chain restaurants that have 10 locations nationally and 5 or more locations in Arizona, to post nutrition information for all standard menu items on menus and menu boards. For printed menus, the bill would require listing calories, saturated fat, trans fat, carbohydrates, and sodium per serving. For menu boards, it would require a minimum of calorie information.

California

<http://www.leginfo.ca.gov/bilinfo.html>

SB120 Introduced January 22, 2007 by Senator Alex Padilla (D), Senator Carol Midgen joined as a coauthor on March 21, 2007.

Status: Referred to the Committee on Health on February 1, 2007. Voted out of Health Committee on March 14, 2007. Voted out of Appropriations Committee on April 16, 2007. Passed by the Senate by a vote of 22 to 17 on May 31, 2007. Referred to the Assembly. Voted out of the Assembly Health Committee on June 26, 2007.

Summary: This bill would require fast-food and other chain restaurants that have 10 or more locations in California to post nutrition information for all standard menu items on menus and menu boards. For printed menus, the bill would require listing total number of calories, grams of saturated plus trans fat, carbohydrates, and milligrams of sodium per serving. For menu boards, it would require a minimum of calorie information.

Connecticut

<http://www.cga.ct.gov>

SB 686 Introduced January 19, 2007 by Senator Donald Williams (D). Cosponsored by Senator Mary Ann Handley (D) and Senator Toni Harp (D).

Status: Referred to Joint Committee on Public Health. A public hearing was held on February 16, 2007. The Joint Committee on Public Health voted to draft the legislation on March 2, 2007 and voted the legislation out of committee on March 26, 2007. The Senate passed this bill May 2, 2007 by a vote of 28 to 7. On May 3, 2007 it was sent to the Connecticut House of Representatives.

Summary: This bill would require retail restaurants and other food establishments with 10 or more locations nationally to list the total number of calories per serving on menus and menu boards for standard menu items. Restaurants may post a disclaimer on the

menu, or on the menu board, stating that there may be variations in the total number of calories across servings of menu items.

Hawaii

<http://www.capitol.hawaii.gov>

HB 54 Introduced January 18, 2007 by Representative John Mizuno (D).

Status: Referred to Committees on Health, Consumer Protection and Commerce, and Finance.

Summary: This bill would require a retail food establishment that is part of a franchise comprised of ten or more establishments to maintain nutrition information for all standard menu items and provide it to customers upon request. This information shall include total number of calories, grams of saturated plus trans fat, carbohydrates, sodium, protein, and sugar. For restaurants that use only menu boards or serve standard menu items as self-service (cafeteria, salad bar, or buffet line), they may limit the nutrition information to calories.

Illinois

Website: <http://www.ilga.gov>

HB 389 Introduced January 26, 2007 by Representative Mary Flowers (D).

Status: Referred to Health Care Availability and Access Committee where it had a hearing on March 20th and amended the bill. A Do-Pass motion failed on March 20th. The bill was then re-referred back to the Rules Committee.

Summary: The Menu Education and Labeling Act would require restaurants and similar retail food establishments with 10 or more locations nationally to list nutrition information for all standard menu items on menus and menu boards. On printed menus, this information shall include total number of calories, saturated plus trans fat, carbohydrates, and sodium. Nutrition information on menu boards may be limited to total number of calories per serving, provided additional information shall be made available to customers in writing upon request.

Maine

Website: <http://janus.state.me.us/legis/>

LD 1774 Introduced March 29, 2007 by Representative Sean Faircloth (D) and cosponsored by Senator Brannigan, Representatives Connor, Finley, Miller, Perry, Pingree, Prescott, and Walcott.

Status: Referred to Committee on Health and Human Services. Failed to pass out of committee on May 31, 2007 and sent to legislative files for the remainder of the legislative session.

Summary: The Freedom of Caloric Information Act requires restaurants that are part of chains with 30 or more locations nationally to provide caloric information for food and drink items on menus or menu boards adjacent to the listing of the food item in typeface at least 2/3 as large as other menu information. The bill exempts restaurants that do not provide menus from the requirements and allows for reasonable variation of calories in food items from the provided caloric information due to the assembly of items by hand or changes or substitutions made at the request of the customer.

Massachusetts

<http://www.mass.gov/legis/>

SD 647 Docket filed January 9, 2007 by Senator Richard Moore (D).

Status: Referred to the Committee on Community Development and Small Business.

Summary: This bill would require chain restaurants with 10 or more locations nationally to list nutrition information for all standard menu items. On printed menus, this information shall include total number of calories, saturated and trans fat, carbohydrates, and sodium per serving. If the restaurant uses only a menu board, it may limit the nutritional information listed on the menu board to the total number of calories per serving, provided that additional information be available to customers in writing upon request. This Act will take effect twelve months after passage.

Michigan

<http://house.michigan.gov>

HB 4791 Introduced May 17, 2007 by Representative Lee Gonzales (D). Cosponsored by Representatives Fred Miller (D), Gino Polidori (D), Dudley Spade (D), and Aldo Vagnozzi (D).

Status: Referred to the Committee on Health Policy.

Summary: This bill would require food service establishments to disclose the caloric value of each food and meal on their menu or on table tents in at least 11-point font size, or be visually equivalent to the font size of the menu item descriptions, in a color that contrasts clearly with the background.

New Jersey

<http://www.njleg.state.nj.us>

A1693 Introduced January 10, 2006 by Assemblymen Douglas H. Fisher (D) and William D. Payne (D). Cosponsored by Assembly Members John J. Burzichelli (D), Joan M. Quigley (D), Michael J. Panter, Peter J. Barnes, Mims Hackett, Gordon M. Johnson, Wilfredo Caraballo, Reed Gusciora, John F. McKeon, Robert M. Gordon and Joan M. Voss.

Status: Referred to Assembly Health and Human Services Committee.

Summary: This bill would require retail food establishments with 20 or more locations in New Jersey to list nutritional information for all standard food and beverage items sold. On printed menus, this information shall include total number of calories, saturated plus trans fat, carbohydrates, and sodium per serving, as usually offered for sale. On menu boards, the total number of calories per serving must be listed adjacent to each item, and information about saturated and trans fat, carbohydrates, and sodium shall be made available to customers upon request. This Act will take effect six months after passage.

S2264 Introduced October 16, 2006 by Senator Barbara Buono.

Status: Referred to Senate Health, Human Services and Senior Citizens Committee.

Summary: This bill would require retail food establishments with 10 or more locations in the United States or 5 or more locations in New Jersey to list nutritional information for all standard food and beverage items sold. On printed menus, this information shall include total number of calories, saturated plus trans fat, carbohydrates, and sodium per serving. On menu boards, the total number of calories per serving must be listed adjacent to each item, and information about saturated and trans fat, carbohydrates, and sodium shall be made available to customers upon request. This Act will take effect six months after passage.

New Mexico

<http://legis.state.nm.us>

HB 1203 Introduced February 26, 2007 by Representative Irvin Harrison.

Status: Referred to the House Business & Industry Committee and the House Health and Government Affairs Committee

Summary: The "Trans Fat Act," which require restaurants with either 1.) three or more locations in New Mexico, or 2.) owned or managed by a New Mexico resident to post trans-fat content and calorie information of all standard menu items on their menus or menu boards by July 1, 2007. Restaurants also would be required to limit use of trans fat to 0.5 gram per serving by July 1, 2008.

New York

<http://assembly.state.ny.us/leg/>

A 729 Introduced January 3, 2007 by Assembly Members Ortiz (D), with cosponsors Gottfried (D), Cook (D), P. Rivera (D), and Mayersohn (D); and multi-sponsored by Brennan (D), Lavine (D), Lifton (D), Markey (D), Pheffer (D), J. Rivera (D), and Towns (D).

Status: Read once and referred to the Committee on Health. Passed out of the committee on June 5, 2007 and referred to the Committee on Codes.

Summary: This bill would require chain restaurants with 10 or more locations nationally and 5 or more locations in New York State to list nutrition information for all standard menu items. On printed menus, this information shall include total number of calories, saturated and trans fat, carbohydrates, and sodium per serving. On menu boards, the total number of calories per serving must be listed adjacent to each item, and information about saturated fat and trans fat, carbohydrates, and sodium shall be made available to customers upon request. This Act will take effect six months after passage.

S 3787 Introduced March 16, 2007 by Senator Kemp Hannon (R).

Status: Read twice and referred to the Committee on Health.

Summary: This bill would require chain restaurants with 10 or more locations nationally and 5 or more locations in New York State to list nutrition information for all standard menu items. On printed menus, this information shall include total number of calories, grams of saturated and trans fat, grams of carbohydrates, and milligrams of sodium per serving as usually prepared and offered for sale. On menu boards, the total number of calories per serving must be listed adjacent to each item, and information about grams of saturated fat and trans fat, grams of carbohydrates, and milligrams of sodium shall be made available to customers upon request. This Act will take effect six months after passage.

Pennsylvania

Website: <http://www.legis.state.pa.us/>

HB 1108 Introduced April 18, 2007 by Representatives Bishop (D), Cohen (D), Creighton (R), Curry (D), D. Evans (D), Freeman (D), Haluska (D), Hornaman (D), James (D), Kirkland (D), Leach (D), Mann, (D), Myers (D), Parker (D), Youngblood (D), and Siptroth (D).

Status: Referred to the Committee on Agriculture and Rural Affairs.

Summary: The Restaurant Display of Dietary Information Act would require food establishments that are part of a chain of 20 or more locations nationally under the same name to provide nutrition information on menus. In restaurants that use menu boards, only caloric information must be provided and it must be similar to and as easy to read as other menu board information and displayed adjacent to the food item listing. In restaurants that use menus, the nutrition information must be similar to the categories of nutrition information provided on packaged foods sold in grocery stores and must be similar in size and typeface to other information about each menu item and must be displayed adjacent to the listing of the food item. In restaurants that deliver food, nutrition information must be provided on wrappers and boxes used to deliver food and drink items to customers and the nutrition information must be displayed in a size, arrangement and typeface similar to that of nutrition information on packaged foods sold in grocery stores.

Tennessee

<http://www.legislature.state.tn.us>

SB 1696 – Introduced February 8, 2007 by Senator Roy Herron (D).

Status: Referred to the General Subcommittee of the Commerce, Labor and Agriculture Committee on March 28, 2007.

Summary: This bill would require any food-service establishment to post on menu boards and menus, in a size and typeface at least as large as the name of the menu item or price, the calorie content values for menu items that are served in standardized portions and for which calorie content information is made publicly available on or after July 1, 2007, by or on behalf of the food service establishment serving the items. This bill authorizes the department of health to approve alternative means for making calorie information available to patrons, provided that calorie information is made available at the point of purchase and is at least as prominent as the disclosure methods required for menus and menu boards.

Vermont

Website: <http://www.leg.state.vt.us/>

H 477 Introduced March 1, 2007 by Representative Koch (R).

Status: Referred to the Committee on Human Services.

Summary: This bill would require chain restaurants with 20 or more locations nationally to list nutrition information for all standard menu items. On printed menus, this information shall include total number of calories, saturated fat, carbohydrates, and sodium per serving. On menu boards, the total number of calories per serving must be

listed adjacent to each item, and information about saturated fat, carbohydrates, and sodium shall be made available to customers in writing upon request.