

## §X. Sodium and Added Sugar Safety Warnings for Chain Restaurants.

### Findings.

[See Fact Sheets on Key Priorities section of the Toolkit for findings, these should be relevant to the city or state that the bill applies to]

- (1) **Definitions.** For purposes of this section, the following words have the following meanings:
- (a) “Chain Restaurant” means a restaurant that is part of a chain with 15 or more locations nationally that are doing business under the same name, regardless of the type of ownership of the locations, and offering for sale substantially similar menu items.
  - (b) “Discrete Serving” means the separated or easily separable uniform portion or portions of a Menu Item comprising a reasonable estimate of one person's share of the Menu Item. For example, a pizza with eight (8) slices that is reasonably estimated to serve two (2) people contains two (2) Discrete Servings. Menu Items without separated or easily separable uniform portions do not contain Discrete Servings.
  - (c) “High Sodium Content” means any Menu Item offered by a Chain Restaurant that contains 100 percent or more of the daily value for sodium, as established by the federal Food and Drug Administration
  - (d) “High Added Sugars Content” means any Standard Menu Item or Variable Menu Item offered by a Chain Restaurant that contains 100 percent or more of the daily value for added sugars, as established by the federal Food and Drug Administration or a Combination Meal offered by a Chain Restaurant if any combination of the food or beverage items available contains 100 percent or more of the daily value for added sugars, as established by the Federal Food and Drug Administration.
  - (e) “Menu” means the primary writing of a Chain Restaurant from which a customer makes an order selection, including but not limited to, breakfast, lunch, and dinner menus; dessert menus; beverage menus; children’s menus; other specialty menus; electronic menus; and menus on the internet.
  - (f) “Menu Board” means a Menu posted inside the Chain Restaurant as well as a Menu posted outside the Chain Restaurant, including a drive-through Menu.

- (g) "Menu Item" means any food or beverage item that is listed on a Menu or Menu Board in a Chain Restaurant, including any variable food or beverage item that comes in different flavors, varieties, or combinations and is listed as a single item. Menu Item excludes temporary food or beverage items appearing on the menu for less than sixty days per calendar year.
- (h) "Point of purchase" means any place where a customer may order food within a Chain Restaurant.

**(2) Sodium warning.**

- (a) On all Menus, Menu Boards, and Food Tags, Chain Restaurants must clearly and conspicuously display a sodium warning icon next to or directly under each Menu Item with High Sodium Content. This requirement applies to any Menu Item where certain variations or combinations do not have High Sodium Content if any variation or combination does have High Sodium Content.
- (b) A Menu Item intended for sharing that consists of more than one Discrete Serving requires a sodium warning icon only if each Discrete Serving has a High Sodium Content.
- (c) Chain Restaurants required to display at least one sodium warning icon pursuant to subparagraph (2)(a) must make a factual warning statement about high sodium intake prominently, clearly, and conspicuously visible at the point of purchase.
- (d) For Menus allowing customization through interactivity, including interactive electronic Menus, Chain Restaurants may, instead of displaying a static sodium warning icon and factual warning statement, display such icon and statement dynamically, so long as each appears clearly and conspicuously in association with the Menu Item with High Sodium Content before a consumer makes a final selection.
- (e) No later than one year after the effective date of this section, the department shall issue a rule designating an icon and factual warning statement.

**(3) Added sugars warning.**

- (a) On all Menus, Menu Boards, and Food Tags, Chain Restaurants must clearly and conspicuously display an added sugars warning icon next to or directly under each Menu Item with High Added Sugars Content. This requirement applies to any Menu Item where certain variations or combinations do not have High Added Sugars Content if any variation or combination does have High Added Sugars Content.
- (b) A Menu Item intended for sharing that consists of more than one Discrete Serving requires an added sugars warning icon only if each Discrete Serving has a High Added Sugars Content.
- (c) Chain Restaurants required to display at least one added sugars warning icon pursuant to subparagraph (3)(a) must make a factual warning statement about high added sugars intake prominently, clearly, and conspicuously visible at the point of purchase.

- (d) For Menus allowing customization through interactivity, including interactive electronic Menus, Chain Restaurants may, instead of displaying a static added sugars warning icon and warning statement, display such icon and statement dynamically, so long as each appears clearly and conspicuously in association with the Menu Item with High Added Sugars Content before a consumer makes a final selection.
- (e) No later than one year after the effective date of this section, the department shall issue a rule designating an icon and factual warning statement.
- (4) **Report.** No later than [X] years after the effective date of this section, the department shall issue a report reviewing evidence of the impact of this section on menu item reformulation and consumer behavior and recommend additional nutrients that should be considered for menu warning icons.
- (5) **Effective date and compliance.** This section takes effect immediately. Compliance with paragraph (2) shall be required one year after the department issues a rule designating a sodium warning icon and factual warning statement. Compliance with paragraph (3) shall be required one year after the department issues a rule designating an added sugars warning icon and factual warning statement.
- (6) **Violations.** Any Chain Restaurant violating this section shall be subject to a civil penalty of not more than \$\_\_\_(ex. \$100) for a first offense, and not more than \$\_\_\_ (ex. \$250) for a subsequent offense.
- (7) **Severability.** If any provision of this section, or its application to any person or circumstance, is held invalid by any court of competent jurisdiction, the remaining provisions, or the application of the section to other persons or circumstances shall not be affected.