



IN THE GENERAL ASSEMBLY STATE OF _____

Menu Labeling Act

1 Be it enacted by the People of the State of _____, represented in the
2 General Assembly:

3

4 **Section 1. Title.** This act shall be known as and may be cited as the “Menu Labeling Act.”

5

6 **Section 2. Purpose.**

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8 (a) Research continues to reveal the strong link between diet and health, and that diet-
9 related diseases start early in life.

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11 (b) Increased caloric intake is a key factor contributing to the alarming increase in
12 obesity in the United States. According to the Centers for Disease Control and
13 Prevention, two-thirds of American adults are overweight or obese, and the rates of
14 obesity have tripled in children and teens since 1980. Obesity increases the risk of
15 diabetes, heart disease, stroke and other health problems.

16

17 (c) Excess saturated fat intake is a major risk factor for heart disease, which is the
18 leading cause of death for men and women in the United States (U.S.). Heart disease
19 is also a leading cause of disability among working adults and its impact on the U.S.
20 economy is significant.

1 (d) Increased sodium intake is associated with increased risk of high blood pressure, a
2 condition that can lead to cardiovascular disease, especially stroke. The proportion
3 of Americans with high blood pressure is 45 percent at age 50; 60 percent at age 60;
4 and over 70 percent at age 70.

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6 (e) Over the past two decades, there has been a significant increase in the number of
7 meals prepared and/or eaten outside the home, with an estimated one-third of calories
8 and almost half (46 percent) of total food dollars being spent on food purchased from
9 and/or eaten at restaurants and other food-service establishments.

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11 (f) Studies link eating out with obesity and higher caloric intakes. Foods that people eat
12 from restaurants and other food-service establishments are generally higher in
13 calories and saturated fat and lower in nutrients, such as calcium and fiber, than
14 home-prepared foods.

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16 (g) While nutrition labeling is currently required on most packaged foods, such
17 information is required only for restaurant foods for which nutrient content or health
18 claims are made.

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20 (h) Three-quarters of American adults report using food labels on packaged foods,
21 which are required by the Nutrition Labeling and Education Act and went into effect
22 in 1994. Using food labels is associated with eating more healthful diets. In fact,
23 approximately half (48 percent) of people report that the nutrition information on
24 food labels causes them to change their minds about buying a food product.
25 Research shows that people make more healthful choices when restaurants provide
26 point-of-purchase nutrition information.

27
28 (i) It is difficult for consumers to limit their intake of calories at restaurants, given the
29 limited availability of nutrition information, as well as the popular practice by many
30 restaurants of providing foods in larger-than-standard servings and ‘super-sized’
31 portions. Studies show that people eat greater quantities of food when they are
32 served more.

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Section 3. Definitions.

- (a) “Chain restaurant” A restaurant or retail food establishment, including but not limited to a convenience store, deli, bakery, cookie counter, ice cream shop, or coffee shop, that does business under the same trade name as used by ten (10) or more other establishments nationwide that offer predominantly the same type of meals, food, beverages or menus, regardless of the type of ownership of an individual location.
- (b) “Food tag” A written or printed description of food or beverages placed in the vicinity of a sample item, such as a label or placard identifying an item of food displayed for sale, or label in a salad bar, buffet line, cafeteria service, or similar self-serve arrangement.
- (c) “Menu” A printed list or pictorial display of food or beverage items offered for sale, whether in the form of a pamphlet, folio, tablet, sign, board, tag or other form.
- (d) “Menu board” A printed list or pictorial display of food or beverages and their prices that is posted and intended for joint viewing by multiple customers such as chalk boards and drive-through menu signs.
- (e) “Point of ordering” The location at a chain restaurant where consumers place their orders for menu items.
- (f) “Standard menu item” All items that are served in portions the size and content of which are standardized at a covered food service establishment. Standard menu item shall not include items that are listed on a menu or menu board for less than 30 days in any calendar year. Standard menu items shall not include condiments and other items placed on the table or counter, or in a take out package, for general use and without charge.

1 sodium for a 2000 calorie-per-day diet, and acknowledgment that limits may be
2 higher or lower depending upon individual calorie needs.

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4 (c) For a standard menu item that comes in different flavors, varieties, or combinations
5 but is listed as a single menu item, the chain restaurant shall list:

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7 i) The median value for the nutrition information for all flavors,
8 varieties, or combinations if the nutrition information for all flavors,
9 varieties, or combinations is within 20% of the median; or

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11 ii) The highest and lowest value for the nutrition information for all
12 flavors, varieties, or combinations of the standard menu item if the
13 nutrition information is not within 20% of the median.

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15 (d) A chain restaurant shall obtain the nutrient analysis required by the Act using
16 analytic methods and express nutrient content in a manner consistent with the
17 Uniform Food, Drug and Cosmetic Act and implementing regulations.

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19 (e) A chain restaurant may provide additional nutritional information voluntarily.

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21 (f) Menus or menu boards may include the following or similar statement: The nutrition
22 information is based on standard recipes and product formulations; however,
23 variations may occur due to differences in preparation, serving sizes, ingredients, or
24 special orders.

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26 **Section 5. Exceptions.** Chain restaurants shall not be required to provide nutritional
27 information for:

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29 (a) Items such as specials or limited time offerings that appear on menus for less than
30 thirty (30) days per year;

31 (b) Condiments and other items placed on a table or counter for general use without
32 charge;

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- (c) Items sold in a manufacturer’s original sealed package that contain nutrition information as required by federal law; and

- (d) Custom orders which do not appear on the menu, menu boards or food tags.

Section 6. Enforcement. The Commissioner of the state Department of Health or his duly authorized agents or employees (“inspectors”) who inspect chain restaurants shall be required to determine that the nutrition information required under this section is listed on the menu or menu board and that any additional required information is available for customers upon request. Such inspectors shall not be required to verify the accuracy of the nutrition listings. The state Department of Health may request that franchisors or corporate owners of chain restaurants and food establishments provide documentation of the accuracy of the nutrition information.

Section 7. Administrative Penalties. Any chain restaurant that violates any provision of this Act or any rule or regulation promulgated pursuant thereto shall be subject to an administrative penalty of \$____ for a first violation and not less than \$____ for each subsequent violation.

Section 8. Effective Date. This Act shall take effect 12 months after the date of enactment.

Section 9. Severability. If any provision of this Act is held by a court to be invalid, such invalidity shall not affect the remaining provisions of this Act, and to this end the provisions of this Act are hereby declared severable.