



General Assembly

**Substitute Bill No. 686**

January Session, 2007

\* SB00686PH 032607 \*

**AN ACT CONCERNING ACCESS TO HEALTH AND NUTRITIONAL INFORMATION IN RESTAURANTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2007*) (a) As used in this section  
2 and section 2 of this act:

3 (1) "Restaurant" means any place where food is prepared and  
4 intended for individual portion service and includes the site at which  
5 individual portions are provided. "Restaurant" includes any such place  
6 regardless of whether consumption is on or off the premises and  
7 regardless of whether there is a charge for the food, but does not  
8 include a kitchen in a private home where food is prepared or served  
9 and not offered for sale, or a bed-and-breakfast operation that prepares  
10 and offers food to the guests if such operation is owner occupied and  
11 has the total building occupant load of not more than sixteen persons  
12 including the owner and occupants, and has no provisions for cooking  
13 or warming food in the guest rooms, and breakfast is the only meal  
14 offered.

15 (2) "Chain restaurant" means a restaurant that is part of a group of  
16 ten or more restaurant locations nationally, doing business under the  
17 same trade name, offering predominantly the same types of meals,  
18 foods or menus, regardless of the type of ownership of the individual  
19 restaurant locations.

20 (3) "Standard printed menu" means a printed menu that is provided  
21 by a restaurant to individual customers.

22 (4) "Authorized agent" means any individual certified by the  
23 Commissioner of Public Health to inspect food service establishments  
24 and enforce the provisions of section 19-13-B42 of the regulations of  
25 Connecticut state agencies under the supervision or authority of the  
26 director of health.

27 (5) "Director of health" means the director of a local health  
28 department or district health department approved by the  
29 Commissioner of Public Health, as specified in sections 19a-200 and  
30 19a-242 of the general statutes, respectively.

31 (b) On or before July 1, 2008, each chain restaurant in this state shall  
32 make available to consumers the total number of calories for each  
33 standard menu item, as that item is usually prepared and offered for  
34 sale by the chain restaurant.

35 (c) Each chain restaurant that uses a standard printed menu:

36 (1) Shall list the total number of calories next to each standard menu  
37 item in a size and typeface similar to other information included on the  
38 standard printed menu about such item.

39 (2) May include on such menu a disclaimer stating that there may be  
40 variations in the total number of calories across servings of standard  
41 menu items, based on special orders or slight variations in overall  
42 serving size or quantity of ingredients.

43 (d) Each chain restaurant that uses only a menu board or similar  
44 sign to list the food or beverage items it offers for sale:

45 (1) Shall list the total number of calories next to the item in a size  
46 and typeface similar to other information included on the menu board  
47 or sign about the item.

48 (2) May include on such board or sign a disclaimer stating that there  
49 may be variations in the total number of calories across servings of  
50 standard menu items, based on special orders or slight variations in  
51 overall serving size or quantity of ingredients.

52 (e) Notwithstanding the provisions of subsections (c) and (d) of this  
53 section:

54 (1) For standard menu items that come in different flavors and  
55 varieties but that are listed as a single menu item, such as soft drinks,  
56 ice cream, pizza and doughnuts, the chain restaurant may list such  
57 calorie totals on standard printed menus, menu boards or similar signs  
58 listing food and beverages offered for sale by the chain restaurant as  
59 follows: (A) The median calorie total for all flavors or varieties if the  
60 calorie totals for all flavors or varieties are within twenty per cent of  
61 the median, or (B) the total calorie range for all the flavors or varieties  
62 of that menu item, listed from the lowest to the highest value.

63 (2) If a chain restaurant provides a salad bar, buffet line, cafeteria  
64 service or similar self-serve arrangement, the chain restaurant shall not  
65 be required to list calorie totals for such items on a standard printed  
66 menu, menu board or similar sign listing food and beverages offered  
67 for sale by the chain restaurant, but may, instead, list such calorie  
68 totals in close proximity to where the items in such arrangement are  
69 offered for sale, in a size and typeface that is prominent and legible to  
70 customers selecting items from such arrangement.

71 (f) This section does not apply to (1) daily specials and other food or  
72 beverage items offered for sale by a chain restaurant for thirty days or  
73 less, or (2) condiments and other food items placed on tables or  
74 counters for general use without charge, such as bread.

75 Sec. 2. (NEW) (*Effective July 1, 2008*) For the purpose of enforcing the  
76 provisions of section 1 of this act, each director of health, authorized  
77 agent or registered sanitarian shall, as part of the inspection of a chain  
78 restaurant, evaluate whether standard printed menus, menu boards or

79 other similar signs listing food and beverages offered for sale by the  
 80 chain restaurant contain the calorie totals required under section 1 of  
 81 this act. As part of such evaluation, the director of health, an  
 82 authorized agent or a registered sanitarian may request that  
 83 franchisors or corporate owners of chain restaurants provide  
 84 documentation of the accuracy of any listed calorie totals, but the  
 85 director of health, authorized agent or registered sanitarian shall not be  
 86 responsible for verifying the accuracy of the listed calorie totals.

87 Sec. 3. Section 19a-36a of the general statutes is repealed and the  
 88 following is substituted in lieu thereof (*Effective July 1, 2007*):

89 (a) The Commissioner of Public Health shall adopt regulations, in  
 90 accordance with the provisions of chapter 54, to assure that food  
 91 service establishments employ as food operators persons who have a  
 92 knowledge of safe food handling techniques and to set requirements  
 93 for the employment of food operators by such establishments. Such  
 94 regulations shall include, but not be limited to, responsibilities of food  
 95 service establishments and their employees, exemptions for certain  
 96 classes of food establishments and responsibilities of local health  
 97 departments in monitoring compliance of food establishments.

98 (b) On or before January 1, 2008, the Commissioner of Public Health  
 99 shall adopt regulations, in accordance with the provisions of chapter  
 100 54, incorporating inspection and enforcement procedures for the  
 101 requirements established in section 1 of this act into regularly  
 102 scheduled food service establishment inspections. Such regulations  
 103 shall establish (1) weighted point values for each such requirement, (2)  
 104 a minimum acceptable rating score for such requirements, and (3)  
 105 enforcement procedures for chain restaurants that fail to meet the  
 106 minimum acceptable rating score for such requirements.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	New section

Sec. 2	<i>July 1, 2008</i>	New section
Sec. 3	<i>July 1, 2007</i>	19a-36a

**PH**      *Joint Favorable Subst.*