



Senate

General Assembly

File No. 606

January Session, 2009

Substitute Senate Bill No. 1080

Senate, April 9, 2009

The Committee on Public Health reported through SEN. HARRIS of the 5th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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 July 1, 2009*) (a) As used in this section
2 and section 2 of this act:

3 (1) "Restaurant" means any entity, other than a grocery store, that is
4 licensed, permitted, registered or inspected as a food service
5 establishment by a local health department or district health
6 department pursuant to section 19-13-B42 of the regulations of
7 Connecticut state agencies.

8 (2) "Chain restaurant" means a restaurant that is part of a group of
9 fifteen or more restaurant locations nationally, doing business under
10 the same trade name, offering predominantly the same types of meals,
11 foods or menus, regardless of the type of ownership of the individual
12 restaurant locations.

13 (3) "Grocery store" means any store commonly known as a
14 supermarket or food store, primarily engaged in the retail sale of all
15 sorts of prepackaged, canned and dry goods such as tea, coffee, spices,
16 sugar and flour, either packaged or in bulk, with or without fresh
17 fruits and vegetables, and with or without fresh, smoked and prepared
18 meats, fish and poultry.

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

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

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

30 (b) On or before July 1, 2010, each chain restaurant in this state shall
31 make available to consumers the total number of calories for each
32 standard menu item as that item is usually prepared and offered for
33 sale by the chain restaurant.

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

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

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

42 (d) Each chain restaurant that uses only a menu board or similar

43 sign to list the food or beverage items it offers for sale:

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

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

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

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

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

71 (f) This section shall 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, 2009*) For the purpose of enforcing the
 76 provisions of section 1 of this act, each authorized agent shall, as part
 77 of the regularly scheduled inspection of a chain restaurant, evaluate
 78 the chain restaurant's compliance with such provisions. As part of such
 79 evaluation, an authorized agent may request that franchisors or
 80 corporate owners of chain restaurants provide documentation of the
 81 accuracy of any listed calorie totals, but the authorized agent shall not
 82 be responsible for verifying the accuracy of the listed calorie totals.

83 Sec. 3. Section 19a-36a of the general statutes is repealed and the
 84 following is substituted in lieu thereof (*Effective July 1, 2009*):

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

94 (b) On or before July 1, 2010, the Commissioner of Public Health
 95 shall adopt regulations, in accordance with the provisions of chapter
 96 54, incorporating inspection and enforcement procedures for the
 97 requirements established in sections 1 and 2 of this, act into regularly
 98 scheduled food service establishment inspections.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	New section
Sec. 2	<i>July 1, 2009</i>	New section
Sec. 3	<i>July 1, 2009</i>	19a-36a

PH *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Public Health, Dept.	GF - Cost	16,391	None

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 10 \$	FY 11 \$
Various Municipalities	Revenue Gain	None	Potential Minimal

Explanation

This bill would result in a one-time cost to the Department of Public Health (DPH) of approximately \$16,391 in FY 10 to modify and reprint forms used by local and district health authorities when inspecting food service establishments to allow them to document the posting of calorie totals by chain restaurants.

It is anticipated that local health directors will be able to accommodate the bill's provisions within their routine workload. To the extent that fines are imposed upon any restaurant found not to be in compliance with the bill's provisions, a potential minimal revenue gain would result.

The Out Years

The potential revenue gain to various municipalities would continue into the future subject to the number of fines assessed non-compliant restaurants and the amount of the fines.

Sources: 3/6/09 Public Hearing Testimony

OLR Bill Analysis**sSB 1080*****AN ACT CONCERNING ACCESS TO HEALTH AND NUTRITIONAL INFORMATION IN RESTAURANTS.*****SUMMARY:**

This bill requires certain chain restaurants to disclose on their standard printed menus or menu boards total calorie counts for standard menu items. The Department of Public Health (DPH) must adopt regulations incorporating the calorie information requirements into regularly scheduled inspections of such food service establishments.

EFFECTIVE DATE: July 1, 2009

CHAIN RESTAURANT DISCLOSURE OF CALORIES IN STANDARD MENU ITEMS

Beginning July 1, 2010, the bill requires each chain restaurant in the state to make available to consumers the total number of calories for each standard menu item as that item is usually prepared and offered for sale by the restaurant. The bill defines "chain restaurant" as a restaurant that is part of a group of 15 or more restaurant locations nationally, doing business under the same trade name, offering predominantly the same type of meals, foods, or menu, regardless of the type of ownership of the individual restaurant locations. A "standard printed menu" is a printed menu provided by a restaurant to individual customers.

Standard Printed Menu

Each chain restaurant using a standard printed menu:

1. must list the total number of calories next to each standard menu item in a size and typeface similar to other information

included on the standard printed menu about such item, and

2. may include on the menu a disclaimer that there may be variations in the total number of calories across servings of standard menu items, based on special orders or slight variations in overall serving size or ingredient quantity.

Use of a Menu Board

Under the bill, each chain restaurant using only a menu board or similar sign to list its food or beverage items (1) must list the total number of calories next to the item in a size and typeface similar to other information included on the menu board or sign about the item and (2) may include on the board or sign a disclaimer concerning variations in the total number of calories based on special orders or slight variations in serving size or ingredient quantity.

Varieties and Flavors of Standard Menu Items

For standard menu items that come in different flavors and varieties but are listed as a single menu item, the chain restaurant must list calorie totals on standard printed menus, menu boards, or similar signs listing food and beverages for sale as follows: (1) the median calorie total for all flavors or varieties if the calorie totals for all flavors or varieties are within 20% of the median, or (2) the total calorie range for all the flavors or varieties of the menu item, listed from the lowest to the highest value. Examples of such items are soft drinks, ice cream, pizza, and doughnuts.

Salad Bar, Buffet Line, Cafeteria Service, or Other Self-Serve Arrangement

The bill does not require a chain restaurant providing a salad bar, buffet line, cafeteria service, or similar self-serve arrangement to list calorie totals for such items on a standard printed menu, menu board or similar sign listing food and beverage for sale. But the restaurant must list the total number of calories per serving per item in close proximity to where the items in such arrangements are offered for sale, in a size and typeface that is prominent and legible to customers

selecting the items.

Daily Specials, Limited Time Offering, Condiments

The calorie listing requirements do not apply to (1) daily specials and other food or beverage items offered for sale by a chain restaurant for 30 days or less or (2) condiments and other food items on tables or counters for general use and without charge, such as bread.

INSPECTIONS AND REGULATIONS

The bill requires each authorized agent that inspects a chain restaurant to evaluate the restaurant's compliance with the bill's provisions when performing his or her regularly scheduled inspection. An "authorized agent" is an individual certified by the DPH commissioner to inspect food service establishments and enforce the Public Health Code provisions concerning their sanitation under the supervision or authority of a local health director.

As part of the evaluation, the authorized agent may request that the franchisors or corporate owners of chain restaurants provide documentation of the accuracy of the listed calorie totals. The bill specifies that the authorized agent is not responsible for verifying the accuracy of the listed calorie totals.

The bill requires the DPH commissioner, by July 1, 2010, to adopt regulations incorporating inspection and enforcement procedures addressing the requirements for calorie information into regularly scheduled food service establishment inspections.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 22 Nay 9 (03/26/2009)