



General Assembly

Substitute Bill No. 1080

January Session, 2009

* SB01080PD__051209__ *

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.

PD Joint Favorable