



General Assembly

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Amendment

LCO No. 8094

SB0108008094SD0

Offered by:

SEN. HARRIS, 5th Dist.

REP. RITTER, 38th Dist.

To: Subst. Senate Bill No. 1080

File No. 606

Cal. No. 425

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2009*) (a) As used in this section
4 and section 2 of this act:

5 (1) "Restaurant" means any entity that is licensed, permitted,
6 registered or inspected as a food service establishment by a local health
7 department or district health department pursuant to section 19-13-B42
8 of the regulations of Connecticut state agencies. Restaurant does not
9 include a grocery store, movie theater, itinerant food vending
10 establishment, as defined in section 19-13-B48 of the regulations of
11 Connecticut state agencies, or catering food service establishment, as
12 defined in section 19-13-B49 of the regulations of Connecticut state
13 agencies.

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

19 (3) "Grocery store" means any store commonly known as a
20 supermarket, food store or convenience store, engaged in the retail sale
21 of all sorts of prepackaged, canned and dry goods such as tea, coffee,
22 spices, sugar and flour, either packaged or in bulk, with or without
23 fresh fruits and vegetables, and with or without fresh, smoked and
24 prepared meats, fish and poultry, but does not include a separately
25 owned chain restaurant that is doing business within a grocery store.

26 (4) "Standard printed menu" means a printed list or menu, or
27 pictorial display of food or beverage items offered for sale by a chain
28 restaurant. Standard printed menu does not include printed or
29 pictorial materials utilized for promotional or marketing purposes.

30 (5) "Menu board" means a posted board, sign or pictorial display of
31 food or beverage items offered for sale by a chain restaurant, located
32 either within such restaurant or outside such restaurant. Menu board
33 does not include printed or pictorial materials utilized for promotional
34 or marketing purposes.

35 (6) "Food item tag" means a label or tag that identifies a food item
36 displayed for sale by a chain restaurant.

37 (7) "Customized order" means any variation of a standard menu
38 item that is requested by a customer.

39 (8) "Standard menu item" means a food or beverage item, or
40 combination of food and beverage items, listed or displayed on a
41 standard printed menu, menu board or food item tag that is offered for
42 sale by a chain restaurant for not less than ninety days per calendar
43 year. Standard menu item does not include: (A) A customized order,
44 (B) alcoholic beverages, (C) packaged foods that are subject to the

45 requirements prescribed in 21 CFR 101.9(c), (D) condiments, and (E)
46 other food items placed on tables or counters for general use without
47 charge.

48 (9) "Authorized agent" means any individual certified by the
49 Commissioner of Public Health to inspect food service establishments
50 and enforce the provisions of section 19-13-B42 of the regulations of
51 Connecticut state agencies under the supervision or authority of the
52 director of health.

53 (10) "Director of health" means the director of a local health
54 department or district health department approved by the
55 Commissioner of Public Health, as specified in sections 19a-200 and
56 19a-242 of the general statutes, respectively.

57 (11) "Reasonable means" means any reasonable means recognized
58 by the federal Food and Drug Administration in determining
59 nutritional information and calorie total information for a standard
60 menu item, as such item is usually prepared and offered for sale,
61 including, but not limited to, use of nutrient databases and laboratory
62 analyses.

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

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

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

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

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

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

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

84 (e) Notwithstanding the provisions of subsections (c) and (d) of this
85 section:

86 (1) If a food item is displayed for sale in a chain restaurant with a
87 food item tag, such food item tag shall include the total number of
88 calories for such food item, in a font size and format that is no less
89 prominent than the font size that identifies such food item.

90 (2) For standard menu items that come in different flavors and
91 varieties, including, but not limited to, beverages, ice cream, pizza, and
92 doughnuts, a chain restaurant shall include on standard printed menus
93 and menu boards the range of total calories for such menu items
94 showing the minimum and maximum calorie totals for all flavors and
95 varieties of such standard menu items for each size offered for sale,
96 provided, the range of total calories need not be included on standard
97 printed menus and menu boards if the total number of calories is
98 included on the food item tag for each flavor and variety of such
99 standard menu items offered for sale.

100 (3) In addition to the requirements prescribed in subdivision (1) of
101 this subsection, if a chain restaurant provides a salad bar, buffet line,
102 cafeteria service or similar self-serve arrangement, the chain restaurant
103 shall not be required to list total number of calories for such items on a
104 standard printed menu, menu board or similar sign listing food and
105 beverages offered for sale by the chain restaurant but instead shall

106 include a food item tag for each item, in close proximity to where the
107 items in such arrangement are offered for sale. Such food item tag shall
108 list the recommended serving size for the item and total number of
109 calories per serving and shall be in a font size and format that is no less
110 prominent than the font size that identifies such food items.

111 (4) For any standard menu item, other than a food item displayed
112 with a food item tag, that is intended to serve more than one
113 individual, the standard printed menu or menu board shall include the
114 number of individuals intended to be served by such menu item and
115 the total number of calories per individual serving. For any standard
116 menu item that is listed or pictured as a single menu item or prepared
117 as a combination of two or more standard menu items, the total
118 number of calories shall be based upon all possible combinations for
119 such standard menu item and shall include the minimum and
120 maximum number of calories for such standard menu item. If there is
121 only one possible total number of calories for the combination, then
122 this total shall be disclosed.

123 (f) A chain restaurant, in complying with the provisions of this
124 section, shall use reasonable means in determining the total number of
125 calories for each standard menu item.

126 (g) The provisions of this section shall not be construed to preclude
127 any chain restaurant from voluntarily providing nutritional
128 information that is supplemental to the requirements of this section.

129 (h) The provisions of this section shall supersede and preempt the
130 provisions of any municipal law or ordinance relative to the content of
131 a standard printed menu, menu board or food item tag at a chain
132 restaurant with respect to calories, nutritional and health information,
133 effective prior to, or on or after July 1, 2010.

134 (i) If a chain restaurant is required to increase the size of a menu
135 board or similar sign to comply with the provisions of this section,
136 such menu board or similar sign shall not be subject to local zoning
137 regulations unless the new menu board or similar sign exceeds by

138 twenty-five per cent or more the size of the existing menu board or
139 similar sign.

140 Sec. 2. (NEW) (*Effective July 1, 2010*) For the purpose of enforcing the
141 provisions of section 1 of this act, each authorized agent shall, as part
142 of the regularly scheduled inspection of a chain restaurant, evaluate
143 the chain restaurant's compliance with such provisions. As part of such
144 evaluation, an authorized agent may request that franchisors or
145 corporate owners of chain restaurants provide documentation of the
146 accuracy of any listed calorie totals, provided such franchisors or
147 corporate owners shall not be required to provide any documentation
148 that contains trade secrets or proprietary information. The authorized
149 agent shall not be responsible for verifying the accuracy of the listed
150 calorie totals.

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

153 (a) The Commissioner of Public Health shall adopt regulations, in
154 accordance with the provisions of chapter 54, to assure that food
155 service establishments employ as food operators persons who have a
156 knowledge of safe food handling techniques and to set requirements
157 for the employment of food operators by such establishments. Such
158 regulations shall include, but not be limited to, responsibilities of food
159 service establishments and their employees, exemptions for certain
160 classes of food establishments and responsibilities of local health
161 departments in monitoring compliance of food establishments.

162 (b) On or before July 1, 2010, the Commissioner of Public Health
163 shall establish guidelines incorporating inspection and enforcement
164 procedures for the requirements established in sections 1 and 2 of this
165 act into regularly 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, 2010</i>	New section
Sec. 3	<i>July 1, 2009</i>	19a-36a