

1 H.120

2 Introduced by Representatives Koch of Barre Town, Browning of Arlington,
3 Clarkson of Woodstock, Devereux of Mount Holly, Donahue of
4 Northfield, Emmons of Springfield, Frank of Underhill, Greshin
5 of Warren, Hooper of Montpelier, Larocque of Barnet, Lenes of
6 Shelburne, Martin of Springfield, McFaun of Barre Town, Reis
7 of St. Johnsbury, Stevens of Shoreham, Turner of Milton and
8 Zuckerman of Burlington

9 Referred to Committee on

10 Date:

11 Subject: Health; nutrition; labeling; chain restaurants

12 Statement of purpose: This bill proposes to require chain restaurants to post
13 nutritional information for all food sold.

14 An act relating to nutritional labeling of food by chain restaurants

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. STATUTORY REVISION

17 Sections 4051 through 4071 of Title 18 shall be recodified as subchapter 1
18 (labeling for marketing and sale) of chapter 82 of Title 18.

1 Sec. 2. 18 V.S.A. chapter 82, subchapter 2 is added to read:

2 Subchapter 2. Food Chain Menu Labeling

3 § 4091. DEFINITIONS

4 As used in this chapter:

5 (1) “Food chain” means any restaurant which is identified as operating
6 10 or more establishments nationally utilizing the same trade name, regardless
7 of the type of ownership of the individual restaurant enterprises, and offering
8 predominantly the same types of meals, foods, or menus.

9 (2) “Nutritional information” means the total number of calories, grams
10 of saturated fat, grams of carbohydrates, grams of protein, and milligrams of
11 sodium per serving.

12 (3) “Restaurant” means an establishment from which food or beverage
13 of the type for immediate consumption is sold, whether such food is consumed
14 on the premises or not.

15 (A) “Restaurant” shall not include any school, hospital, nursing
16 home, assisted living facility, or any restaurant-like facility operated by or in
17 connection with a school, hospital, medical clinic, nursing home, or assisted
18 living facility providing food for students, patients, visitors, and their families.

19 (B) “Restaurant” shall not include food sold on the premises of a
20 retail grocery or convenience store by means of a counter with no seating at
21 which prepared food is offered only for self-service.

1 (4) “Standard menu item” means any menu item listed on the menu or
2 menu board by the restaurant or food chain. “Standard menu items” do not
3 include temporary menu items, such as specials that appear on the menu for
4 fewer than 30 days per year; custom orders; and condiments and other items
5 placed on the table or counter for general use without additional charge.

6 § 4092. MENU LABELING

7 (a) All food chains operating in the state of Vermont shall be required to
8 list next to each standard menu item, in a size and typeface similar to other
9 information about the standard menu item, nutritional information as usually
10 prepared and offered for sale. The bottom of each page of a menu must
11 include, in a clear and conspicuous manner, the following statement:
12 “Recommended limits for a 2,000 calorie daily diet are 20 g of saturated fat
13 and 2,300 mg of sodium. Saturated fat numbers include trans fat.”

14 (b) If the food chain uses only a menu board, it may limit the nutritional
15 information listed on the menu board to the total number of calories per
16 serving per standard menu item in a size and typeface similar to other
17 information about the standard menu item. Additional information about the
18 standard menu item shall be made available to customers in writing upon
19 request. Menu boards must include, in a clear and conspicuous manner, the
20 following statement: “A 2,000-calorie daily diet is used as the basis for
21 general nutrition advice; however, individual calorie needs may vary.”

1 (c) If a food chain provides a salad bar, buffet line, cafeteria service, or
2 similar self-serve arrangement, it may limit the nutritional information
3 provided for standard menu items offered in such an arrangement to the total
4 number of calories per standard serving per standard menu item in a size and
5 typeface that is prominent and legible from where customers are choosing
6 those items. Additional information about the standard menu item shall be
7 made available to customers in writing upon request.

8 (d) Nothing in this subchapter precludes food chains from providing
9 additional nutrition information voluntarily.

10 § 4093. NUTRIENT ANALYSIS

11 (a) For the purposes of this subchapter, restaurants and similar retail food
12 establishments shall obtain the nutrient analysis required by this subchapter
13 using analytic methods and express nutrient content in a manner consistent
14 with the Uniform Food, Drug, and Cosmetic Act and implementing rules.

15 (b) If a standard menu item comes in different flavors and varieties and is
16 listed as a single standard menu item, the nutritional information required by
17 section 4092 of this title shall be the median value for calories or other
18 nutrients for all flavors or varieties if the values for all flavors or varieties are
19 within 20 percent of the median. If the values are not within 20 percent of the
20 median, the range of values for all the flavors or varieties of that standard
21 menu item shall be listed from the lowest to the highest value. If a standard

1 menu item that comes in different varieties is on display with a name placard
2 or similar signage, the calories per serving as offered for sale shall be listed on
3 the placard along with the name. Complete nutritional information for each
4 individual flavor or variety of the standard menu item shall be available in
5 writing from the food chain in an easily accessible format. The food chain
6 shall alert customers to the availability of written nutritional information in a
7 clear and conspicuous manner.

8 § 4094. RULES

9 The department of health shall adopt rules to implement the provisions of
10 this subchapter within 12 months of enactment. The rules shall provide that
11 the required information be conveyed to the public in a manner that enables the
12 public to observe readily and comprehend such information and to understand
13 its relative significance in the context of a total daily diet.

14 § 4095. ENFORCEMENT; PENALTY

15 (a) The commissioner of health or duly authorized agents or employees
16 who inspect restaurants and food establishments on behalf of the department of
17 health shall be required to determine that the nutrition information required
18 under this subchapter is listed on the menu or menu board, and that any
19 additional required information is available for customers upon request.

1 (b) A violation of this subchapter or the rules adopted pursuant to it is
2 punishable by a fine of up to \$100.00 for a first violation and up to \$500.00 for
3 each subsequent violation.