

1 S.171

2 Introduced by Senator Mullin

3 Referred to Committee on

4 Date:

5 Subject: Health; nutrition; labeling; chain restaurants

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

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

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

10 Sec. 1. STATUTORY REVISION

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

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

14 Subchapter 2. Food Chain Menu Labeling

15 § 4091. DEFINITIONS

16 As used in this chapter:

17 (1) "Food chain" means any restaurant which is identified as operating
18 10 or more establishments nationally utilizing the same trade name, regardless
19 of the type of ownership of the individual restaurant enterprises, and offering
20 predominantly the same types of meals, foods, or menus.

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

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

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

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

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

19 § 4092. MENU LABELING

20 (a) All food chains operating in the state of Vermont shall be required to
21 list next to each standard menu item, in a size and typeface similar to other

1 information about the standard menu item, nutritional information as usually
2 prepared and offered for sale. The bottom of each page of a menu must
3 include, in a clear and conspicuous manner, the following statement:
4 “Recommended limits for a 2,000 calorie daily diet are 20 g of saturated fat
5 and 2,300 mg of sodium. Saturated fat numbers include trans fat.”

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

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

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

3 § 4093. NUTRIENT ANALYSIS

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

8 (b) If a standard menu item comes in different flavors and varieties and is
9 listed as a single standard menu item, the nutritional information required by
10 section 4092 of this title shall be the median value for calories or other
11 nutrients for all flavors or varieties if the values for all flavors or varieties are
12 within 20 percent of the median. If the values are not within 20 percent of the
13 median, the range of values for all the flavors or varieties of that standard
14 menu item shall be listed from the lowest to the highest value. If a standard
15 menu item that comes in different varieties is on display with a name placard
16 or similar signage, the calories per serving as offered for sale shall be listed on
17 the placard along with the name. Complete nutritional information for each
18 individual flavor or variety of the standard menu item shall be available in
19 writing from the food chain in an easily accessible format. The food chain
20 shall alert customers to the availability of written nutritional information in a
21 clear and conspicuous manner.

1 § 4094. RULES

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

7 § 4095. ENFORCEMENT; PENALTY

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

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