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ASSEMBLY BILL NO. 126—ASSEMBLYMEN FLORES;  
AIZLEY, BOBZIEN, EISEN AND HEALEY

FEBRUARY 14, 2013

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JOINT SPONSORS: SENATORS JONES AND WOODHOUSE

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Referred to Committee on Health and Human Services

SUMMARY—Requires the disclosure of certain nutritional information in certain chain restaurants. (BDR 51-81)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to food; requiring certain restaurants or similar retail food establishments to disclose certain nutritional information about the food offered for sale by those restaurants or establishments; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under federal law, a restaurant or similar retail food establishment that: (1) is  
2 part of a chain with 20 or more locations doing business under the same name and  
3 offering for sale substantially the same menu items; or (2) elects to be subject to the  
4 disclosure requirements, is required to disclose certain nutritional information about  
5 the menu items offered for sale by the restaurant or establishment. (21 U.S.C. §  
6 343(q)(5)(H)) **Section 1** of this bill requires the owner or operator of any restaurant  
7 or similar retail food establishment that is part of a chain with 10 or more locations  
8 doing business within this State to disclose the same nutritional information that  
9 federal law requires a chain with 20 or more locations to disclose. **Section 2** of this  
10 bill provides a penalty for the owner or operator of any restaurant or similar retail  
11 food establishment who fails to make the required disclosure of nutritional  
12 information.



\* A B 1 2 6 \*

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1       **Section 1.** Chapter 585 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       1. *The owner or operator of a restaurant or similar retail food*  
4 *establishment:*

5       (a) *That is part of a chain with 10 or more locations doing*  
6 *business within this State under the same name, regardless of the*  
7 *type of ownership of the locations, and offering for sale*  
8 *substantially the same menu items;*

9       (b) *That is part of a chain with 20 or more locations doing*  
10 *business under the same name, regardless of the type of ownership*  
11 *of the locations, and offering for sale substantially the same menu*  
12 *items; or*

13       (c) *Who elects for the restaurant or similar retail food*  
14 *establishment to be subject to the requirements of 21 U.S.C. §*  
15 *343(q)(5)(H),*

16       ↳ *shall ensure that the restaurant or similar retail food*  
17 *establishment complies with the provisions of 21 U.S.C. §*  
18 *343(q)(5)(H) and shall post a notice in a conspicuous place in the*  
19 *restaurant or similar retail food establishment stating where a*  
20 *person may report any violation of this section.*

21       2. *For the purposes of this section and NRS 585.550, the*  
22 *provisions of 21 U.S.C. § 343(q)(5)(H) that apply to a restaurant*  
23 *or similar retail food establishment described in paragraph (b) or*  
24 *(c) of subsection 1 shall be deemed to apply to a restaurant or*  
25 *similar retail food establishment described in paragraph (a) of*  
26 *subsection 1.*

27       3. *The provisions of this section may be enforced by the*  
28 *health authority or the appropriate local law enforcement agency.*

29       4. *As used in this section:*

30       (a) *“Health authority” has the meaning ascribed to it in*  
31 *NRS 446.050.*

32       (b) *“Similar retail food establishment” must, to the extent*  
33 *possible, be construed in a manner that is consistent with the*  
34 *provisions of 21 U.S.C. § 343(q)(5)(H) and any regulations*  
35 *adopted pursuant thereto.*

36       **Sec. 2.** NRS 585.550 is hereby amended to read as follows:

37       585.550 1. A person who manufactures, compounds,  
38 processes or packages any drug in a factory, warehouse, laboratory  
39 or other location in this state without a license required by NRS  
40 585.245 is guilty of a category D felony and shall be punished as  
41 provided in NRS 193.130.



- 1        2. *The owner or operator of a restaurant or similar retail food*  
2 *establishment who violates section 1 of this act is guilty of a*  
3 *misdemeanor and shall be punished:*  
4        (a) *For the first offense within the immediately preceding 5*  
5 *years, by a fine of not less than \$50 but not more than \$500;*  
6        (b) *For the second offense within the immediately preceding 5*  
7 *years, by a fine of not less than \$100 but not more than \$1,000;*  
8 *and*  
9        (c) *For the third or subsequent offense within the immediately*  
10 *preceding 5 years, by a fine of not less than \$250 but not more*  
11 *than \$2,500.*  
12        ↪ *For the purposes of this subsection, any number of offenses*  
13 *discovered in a single day constitute a single offense.*  
14        3. A person who violates any other provision of this chapter is  
15 guilty of a gross misdemeanor.



