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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO FOOD AND DRUGS -- FOOD LABELING REQUIREMENTS

Introduced By: Representative Joy Hearn

Date Introduced: January 30, 2014

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 21 of the General Laws entitled "FOOD AND DRUGS" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 37

4 THE MENU LABELING ACT OF 2014

5 **21-37-1. Chapter title.** -- This chapter shall be known and may be cited as "The Menu
6 Labeling Act of 2014."

7 **21-37-2. Definitions.** -- As used in this chapter:

8 (1) The term "covered food establishment" means a food establishment that:

9 (i) Is engaged in the business of preparing and selling food items for immediate human
10 consumption including, but not limited to, a restaurant, café, cafeteria, cocktail lounge or bar,
11 coffee or pastry shop; and

12 (ii) Offers for sale substantially the same menu items, utilizing menus, menu boards or
13 food item tags, in servings that are standardized for portion size and content.

14 (2) The term "covered food establishment" does not include the following:

15 (i) Kitchen preparing food for students, clients, patients, residents, or inmates in a school,
16 camp, licensed health care facility, day care facility, assisted living residence, group residence,
17 prison or other institutional setting and served to a specific population;

18 (ii) Retail food establishments primarily engaged in the retail sale of fresh and packaged
19 foods, such as a market, grocery store, or convenience stores;

1 (iii) Private clubs or membership associations:

2 (iv) Caterers; or

3 (v) Vending machines.

4 **21-37-3. Scope and applicability. --** (a) This chapter applies to menu items that are
5 served at a covered food establishment in servings that are standardized for portion size and
6 content but does not apply to menu items that are listed on a menu, menu board, or food item tag
7 for less than thirty (30) days in a calendar year.

8 (b) This chapter does not apply to any self-service packaged food that is in a
9 manufacturer's original sealed package and is required by federal law to have nutrition labeling.

10 **21-37-4. Posting calorie and food content information for menu items. --** (a) Posting
11 required. Effective January 1, 2015, all menu boards and menus in any covered food
12 establishment shall state the total number of calories derived from any source for each menu item
13 listed, as well as the ingredients in each menu item. Such calorie and ingredient information shall
14 be listed clearly and conspicuously, near the menu item so that calorie content is clearly
15 associated with either its name or price.

16 (b) Calculating Calories.

17 (1) Calorie content values. - Calorie content values (in kcal: kilo-calories) shall be based
18 upon a verifiable analysis of the menu item by a nutritionist or dietician who is licensed at a state
19 or national level, which may include the use of nutrient databases, laboratory testing, or other
20 reliable methods of analysis, and shall be rounded to the nearest ten (10) calories for calorie
21 content values above fifty (50) calories and to the nearest five (5) calories for calorie content
22 values fifty (50) calories and below.

23 (2) Written documentation. - Covered food establishments shall maintain written
24 documentation of the verifiable analysis of their current menu items conducted by a licensed
25 nutritionist or dietician.

26 (c) Food item tags. - When a food item is displayed for sale with a food item tag or label,
27 such food item tag shall state the calorie content value clearly and conspicuously near the menu
28 item so that caloric content is clearly associated with either its name or price.

29 (d) Drive-through windows. Calorie content values and ingredients at drive-through
30 windows shall be displayed on the drive-through menu board clearly and conspicuously near the
31 menu item so that the calorie content is clearly associated with either its name or price of the
32 menu item.

33 (e) Range of calorie content values for different flavors, varieties, and combinations.

34 (1) Different flavors and varieties. For menu items offered in different flavors and

1 varieties, including, but not limited to, beverages, ice cream, pizza, and doughnuts, the range of
2 calorie content values showing the minimum to maximum numbers of calories for all flavors and
3 varieties of that item shall be listed on menu boards and menus for each size offered for sale;
4 provided, however, that the range need not be displayed when calorie content information is
5 provided for each flavor or variety of the food item.

6 (2) Combinations. For combinations of different food items listed or pictured as a single
7 menu item, the range of calorie content values showing the minimum to maximum numbers of
8 calories for all combinations of that menu item shall be listed on menu boards and menus. If there
9 is only one possible calorie total for the combination, then that total shall be listed on menu
10 boards and menus.

11 **21-37-5. Alternative method of posting calorie information for alcoholic beverages. -**

12 -(a) As an alternative to posting calorie information for each individual alcoholic beverage of the
13 types listed, such alcoholic beverages may be collectively labeled using the average calorie values
14 for beers, wines, and spirits, as follows:

- 15 (1) Wine, five (5) ounces: one hundred twenty-two (122) calories;
- 16 (2) Regular beer, twelve (12) ounces: one hundred fifty-three (153) calories;
- 17 (3) Light beer, twelve (12) ounces: one hundred three (103) calories;
- 18 (4) Distilled spirits (eighty (80) proof gin, rum, vodka, or whiskey), one and one-half
19 (1½) ounces: ninety-six (96) calories.

20 (b) Covered food establishments that collectively label alcoholic beverages shall add to
21 the labeling the following statement: "Signature drinks or liqueurs with added ingredients may
22 increase calorie content."

23 **21-37-6. Penalties. --** Any person who violates any provision of this chapter shall, upon
24 conviction, be fined not more than one hundred dollars (\$100) for the first offense and not more
25 than five hundred dollars (\$500) for a subsequent offense.

26 SECTION 3. This act shall take effect on January 1, 2015.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would require covered food establishments to list on their menus the total
2 number of calories derived from any source for each menu item listed, as well as the ingredients
3 in each menu item.

4 This act would take effect on January 1, 2015.

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