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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO FOOD AND DRUGS -- SANITATION IN FOOD ESTABLISHMENTS

Introduced By: Representatives McNamara, and Naughton

Date Introduced: February 23, 2010

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 36

4 CALORIE LABELING

5 **21-36-1. Legislative findings.** – The general assembly finds that:

6 (1) Research continues to reveal the strong link between diet and health and that
7 increased caloric intake is a key factor contributing to the alarming increase in obesity in the
8 United States and in Rhode Island. Three-quarters of American adults report using food labels on
9 packaged food, which is associated with eating more healthful diets, and approximately half of
10 people report that the nutrition information on food labels has caused them to change their minds
11 about buying a food product. Research shows that people make more healthful choices when
12 restaurants provide point-of-purchase nutrition information;

13 (2) There has been a significant increase in the number of meals prepared and/or eaten
14 outside the home, with an estimated one-third of calories and almost half of the total food dollars
15 being spent on food purchased from and/or eaten at restaurants and other food service
16 establishments;

17 (3) Therefore it is the general assembly's intent to require chain food service
18 establishments to provide nutrition information for all standard menu items listed on the menu,
19 including the total number of calories per serving, as usually prepared and offered for sale.

1 **21-36-2. Definitions.** – (a) “Chain food service establishments” means a licensed
2 restaurant or retail food establishment, including, but not limited to, a convenience store, deli,
3 bakery, cookie counter, ice cream shop or coffee shop, that does business under the same trade
4 name as used by twenty (20) or more other establishments (whether such other establishments are
5 located in this state or elsewhere and regardless of the type of ownership of each individual
6 establishment);

7 (b) “Menu” or “menu board” means the primary writing of the restaurant or other retail
8 food establishment from which a consumer makes an order selection;

9 (c) “Menu item” means any individual food item, or combination of food items, listed or
10 displayed on a menu board or menu that is/are sold by chain food service establishment.

11 **21-36-3. Calorie labeling.** – (a) Chain food service establishments shall post on menu
12 boards and menus the calorie content for each menu item next to the listing of each menu item.
13 Calorie labeling shall have a reasonable basis for its nutrient content disclosures, including
14 nutrient databases, cookbooks, laboratory analyses and other reasonable means;

15 (b) Calorie labeling shall be legible, printed conspicuously, and displayed in a color as or
16 more prominent than the color in which the name of the menu item and price of the menu item
17 are displayed. Calorie labeling shall be printed in a size and typeface at least as large as the name
18 or price of the menu item;

19 (c) Menus or menu boards may include the following or similar statement: the nutrition
20 information is based on standard recipes and product formulations; however, variations may
21 occur due to differences in preparation, serving sizes, ingredients, or special orders;

22 (d) A menu is out of compliance when calorie information is not posted for consumer
23 selection for all regular items.

24 **21-36-4. Exemptions to calorie labeling.** – Chain food establishments shall not be
25 required to provide calorie information for items such as specials or limited time offerings that
26 appear on menus for less than sixty (60) days per year; condiments and other items placed on a
27 table or counter for general use without charge; items sold in manufacturer’s original sealed
28 package that contains nutritional information as required by federal law; and custom orders that
29 do not appear on the menu.

30 **21-36-5. Penalties and enforcement.** – Enforcement and penalties shall be consistent
31 with the authority set forth in section 21-27-11.11.

32 **21-36-6. Severability.** – The provision of this chapter shall be interpreted and construed
33 liberally in aid of its declared purpose. If any provision of this chapter, or of any rule or
34 regulation issued under this chapter, is held invalid by a court of competent jurisdiction, the

1 remainder of the chapter, rule, or regulation issued under this chapter, is held invalid by a court of
2 competent jurisdiction, the remainder of the chapter, rule, or regulation shall not be affected by
3 this invalidity.

4 **21-36-7. Regulations.** – The director is authorized to promulgate regulations as may be
5 required to implement the requirements of this section.

6 **21-36-8. Federal standards.** – This section shall be null and void on the day that federal
7 legislation on calorie labeling goes into effect, incorporating either the same or substantially
8 similar provisions as are contained in this section.

9 SECTION 2. This act shall take effect on January 1, 2011.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO FOOD AND DRUGS -- SANITATION IN FOOD ESTABLISHMENTS

1 This act would require all chain food service establishments to provide nutritional/calorie
2 labeling information for all standard menu items.

3 This act would take effect on January 1, 2011.

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