

2012 -- S 2802

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LC00974
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO FOOD AND DRUGS -- SANITATION IN FOOD SERVICE
ESTABLISHMENTS

Introduced By: Senators Sosnowski, Crowley, Perry, Gallo, and Lanzi

Date Introduced: March 21, 2012

Referred To: Senate Health & Human Services

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 27.2

4 INDUSTRIALLY-PRODUCED TRANS FATS

5 **21-27.2-1. Restrictions on foods containing industrially-produced trans fats.** – No
6 foods containing industrially-produced trans fat, as defined in this chapter, shall be stored,
7 distributed, held for service, used in preparation of any menu item or served in any food service
8 establishment, or by any food business, or by any mobile food service unit, as defined in section
9 21-27-1 of this chapter, except food that is being served directly to patrons in a manufacturer's
10 original sealed package.

11 **21-27.2-2. Definition.** – For the purposes of this chapter, a food shall be deemed to
12 contain industrially-produced trans fat if the food is labeled as, lists as an ingredient, or has
13 vegetable shortening, margarine or any kind of partially hydrogenated vegetable oil. A food with
14 a nutrition facts label or other documentation from the manufacturer that lists the trans fat content
15 of the food as zero grams per serving shall not be considered as containing industrially-produced
16 trans fat.

17 **21-27.2-3. Labels required.** – (a) Original labels. - All food service establishments, food
18 businesses, and/or mobile food service units shall maintain on site the original labels for all food

1 products:

2 (1) That are, or that contain, fats, oils or shortenings; and

3 (2) That are, when purchased by such food service establishments, food businesses,
4 and/or mobile food services, required by applicable federal and state law to have labels; and

5 (3) That are currently being stored, distributed, held for service, used in preparation of
6 any menu items, or served by the food service establishment, food business, and/or mobile food
7 service unit.

8 (b) Documentation instead of labels. - Documentation acceptable to the department of
9 health from the manufacturers of such food products, indicating whether the food products
10 contain vegetable shortening or any kind of partially hydrogenated vegetable oil, or indicating
11 trans fat content, may be maintained instead of original labels.

12 (c) Documentation required when food products are not labeled. - If baked goods, or
13 other food products restricted pursuant section 21-27.2-1, that are or that contain fats, oils or
14 shortenings, are not required to be labeled when purchased, the food service establishment, food
15 business, and/or mobile food service unit shall obtain and maintain documentation acceptable to
16 the department of health, from the manufacturers of the food products, indicating whether the
17 food products contain vegetable shortening or any kind of partially hydrogenated vegetable oil, or
18 indicating trans fat content.

19 **21-27.2-4. Implementation.** – (a) Food service establishments, food businesses, and/or
20 mobile food service units will have six (6) months after enactment of this chapter to use oils,
21 margarines and shortenings that provide zero grams trans fat per serving except for fats used in
22 deep-frying, yeast dough, and for cake batter.

23 (b) Food service establishments, food businesses, and/or mobile food service units will be
24 required to use trans fat free replacements for deep-frying, yeast dough, and cake batter within
25 eighteen (18) months of enactment of this chapter.

26 (c) A “grace period” will be implemented by the department of health if the agency
27 confirms that healthier oil alternatives are not available in sufficient amounts, there is a disruption
28 in supply, or there are late-stage operational adjustments identified by restaurants and bakers.

29 **21-27.2-5. Technical assistance.** – The department of health should, to the greatest
30 degree possible, make available to food service establishments, food businesses, and mobile food
31 service units, resource materials, including brochures, practical tips and information about
32 alternatives, to enable food service establishments, food businesses, and mobile food service units
33 to reduce the amount of trans fat in foods served without substituting unhealthy oils and fats.

34 **21-27.2-6. Regulatory authority.** – The department of health shall have the authority to

1 [adopt rules to carry out the purposes of this section.](#)

2 **21-27.2-7. Administrative fines.** – [The department of health may impose fines for](#)
3 [noncompliance pursuant to section 21-27-11.11.](#)

4 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO FOOD AND DRUGS -- SANITATION IN FOOD SERVICE
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- 1 This act would restrict the use of industrially-produced trans fat in foods prepared and/or
- 2 served by food service establishments, food businesses and mobile food service units.
- 3 This act would take effect upon passage.

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