



**Substitute Senate Bill No. 1080**

**Public Act No. 09-157**

**AN ACT CONCERNING ACCESS TO HEALTH AND NUTRITIONAL INFORMATION IN RESTAURANTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective July 1, 2009*) (a) As used in this section and section 2 of this act:

(1) "Restaurant" means any entity that is licensed, permitted, registered or inspected as a food service establishment by a local health department or district health department pursuant to section 19-13-B42 of the regulations of Connecticut state agencies. Restaurant does not include a grocery store, movie theater, itinerant food vending establishment, as defined in section 19-13-B48 of the regulations of Connecticut state agencies, or catering food service establishment, as defined in section 19-13-B49 of the regulations of Connecticut state agencies.

(2) "Chain restaurant" means a restaurant that is part of a group of fifteen or more restaurant locations nationally, doing business under the same trade name, offering predominantly the same types of meals, foods or menus, regardless of the type of ownership of the individual restaurant locations.

(3) "Grocery store" means any store commonly known as a

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supermarket, food store or convenience store, engaged in the retail sale of all sorts of prepackaged, canned and dry goods such as tea, coffee, spices, sugar and flour, either packaged or in bulk, with or without fresh fruits and vegetables, and with or without fresh, smoked and prepared meats, fish and poultry, but does not include a separately owned chain restaurant that is doing business within a grocery store.

(4) "Standard printed menu" means a printed list or menu, or pictorial display of food or beverage items offered for sale by a chain restaurant. Standard printed menu does not include printed or pictorial materials utilized for promotional or marketing purposes.

(5) "Menu board" means a posted board, sign or pictorial display of food or beverage items offered for sale by a chain restaurant, located either within such restaurant or outside such restaurant. Menu board does not include printed or pictorial materials utilized for promotional or marketing purposes.

(6) "Food item tag" means a label or tag that identifies a food item displayed for sale by a chain restaurant.

(7) "Customized order" means any variation of a standard menu item that is requested by a customer.

(8) "Standard menu item" means a food or beverage item, or combination of food and beverage items, listed or displayed on a standard printed menu, menu board or food item tag that is offered for sale by a chain restaurant for not less than ninety days per calendar year. Standard menu item does not include: (A) A customized order, (B) alcoholic beverages, (C) packaged foods that are subject to the requirements prescribed in 21 CFR 101.9(c), (D) condiments, and (E) other food items placed on tables or counters for general use without charge.

(9) "Authorized agent" means any individual certified by the

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Commissioner of Public Health to inspect food service establishments and enforce the provisions of section 19-13-B42 of the regulations of Connecticut state agencies under the supervision or authority of the director of health.

(10) "Director of health" means the director of a local health department or district health department approved by the Commissioner of Public Health, as specified in sections 19a-200 and 19a-242 of the general statutes, respectively.

(11) "Reasonable means" means any reasonable means recognized by the federal Food and Drug Administration in determining nutritional information and calorie total information for a standard menu item, as such item is usually prepared and offered for sale, including, but not limited to, use of nutrient databases and laboratory analyses.

(b) On or before July 1, 2010, each chain restaurant in this state shall make available to consumers the total number of calories for each standard menu item as that item is usually prepared and offered for sale by the chain restaurant.

(c) Each chain restaurant that uses a standard printed menu:

(1) Shall list the total number of calories next to each standard menu item in a size and typeface similar to other information included on the standard printed menu about such item.

(2) May include on such menu a disclaimer stating that there may be variations in the total number of calories across servings of standard menu items, based on special orders or slight variations in overall serving size or quantity of ingredients.

(d) Each chain restaurant that uses a menu board or similar sign to list the food or beverage items it offers for sale:

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(1) Shall list the total number of calories next to the item in a size and typeface similar to other information included on the menu board or sign about the item.

(2) May include on such board or sign a disclaimer stating that there may be variations in the total number of calories across servings of standard menu items, based on special orders or slight variations in overall serving size or quantity of ingredients.

(e) Notwithstanding the provisions of subsections (c) and (d) of this section:

(1) If a food item is displayed for sale in a chain restaurant with a food item tag, such food item tag shall include the total number of calories for such food item, in a font size and format that is no less prominent than the font size that identifies such food item.

(2) For standard menu items that come in different flavors and varieties, including, but not limited to, beverages, ice cream, pizza, and doughnuts, a chain restaurant shall include on standard printed menus and menu boards the range of total calories for such menu items showing the minimum and maximum calorie totals for all flavors and varieties of such standard menu items for each size offered for sale, provided, the range of total calories need not be included on standard printed menus and menu boards if the total number of calories is included on the food item tag for each flavor and variety of such standard menu items offered for sale.

(3) In addition to the requirements prescribed in subdivision (1) of this subsection, if a chain restaurant provides a salad bar, buffet line, cafeteria service or similar self-serve arrangement, the chain restaurant shall not be required to list total number of calories for such items on a standard printed menu, menu board or similar sign listing food and beverages offered for sale by the chain restaurant but instead shall

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include a food item tag for each item, in close proximity to where the items in such arrangement are offered for sale. Such food item tag shall list the recommended serving size for the item and total number of calories per serving and shall be in a font size and format that is no less prominent than the font size that identifies such food items.

(4) For any standard menu item, other than a food item displayed with a food item tag, that is intended to serve more than one individual, the standard printed menu or menu board shall include the number of individuals intended to be served by such menu item and the total number of calories per individual serving. For any standard menu item that is listed or pictured as a single menu item or prepared as a combination of two or more standard menu items, the total number of calories shall be based upon all possible combinations for such standard menu item and shall include the minimum and maximum number of calories for such standard menu item. If there is only one possible total number of calories for the combination, then this total shall be disclosed.

(f) A chain restaurant, in complying with the provisions of this section, shall use reasonable means in determining the total number of calories for each standard menu item.

(g) The provisions of this section shall not be construed to preclude any chain restaurant from voluntarily providing nutritional information that is supplemental to the requirements of this section.

(h) The provisions of this section shall supersede and preempt the provisions of any municipal law or ordinance relative to the content of a standard printed menu, menu board or food item tag at a chain restaurant with respect to calories, nutritional and health information, effective prior to, or on or after July 1, 2010.

(i) If a chain restaurant is required to increase the size of a menu

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board or similar sign to comply with the provisions of this section, such menu board or similar sign shall not be subject to local zoning regulations unless the new menu board or similar sign exceeds by twenty-five per cent or more the size of the existing menu board or similar sign.

Sec. 2. (NEW) (*Effective July 1, 2010*) For the purpose of enforcing the provisions of section 1 of this act, each authorized agent shall, as part of the regularly scheduled inspection of a chain restaurant, evaluate the chain restaurant's compliance with such provisions. As part of such evaluation, an authorized agent may request that franchisors or corporate owners of chain restaurants provide documentation of the accuracy of any listed calorie totals, provided such franchisors or corporate owners shall not be required to provide any documentation that contains trade secrets or proprietary information. The authorized agent shall not be responsible for verifying the accuracy of the listed calorie totals.

Sec. 3. Section 19a-36a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2009*):

(a) The Commissioner of Public Health shall adopt regulations, in accordance with the provisions of chapter 54, to assure that food service establishments employ as food operators persons who have a knowledge of safe food handling techniques and to set requirements for the employment of food operators by such establishments. Such regulations shall include, but not be limited to, responsibilities of food service establishments and their employees, exemptions for certain classes of food establishments and responsibilities of local health departments in monitoring compliance of food establishments.

(b) On or before July 1, 2010, the Commissioner of Public Health shall establish guidelines incorporating inspection and enforcement procedures for the requirements established in sections 1 and 2 of this

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act into regularly scheduled food service establishment inspections.

Vetoed July 2, 2009