



General Assembly

January Session, 2009

Raised Bill No. 1080

LCO No. 4256

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Referred to Committee on Public Health

Introduced by:
(PH)

***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:

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

3 (1) "Restaurant" means any entity, other than a grocery store, that is
4 licensed, permitted, registered or inspected as a food service
5 establishment by a local health department or district health
6 department pursuant to section 19-13-B42 of the regulations of
7 Connecticut state agencies.

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

13 (3) "Grocery store" means any store commonly known as a
14 supermarket or food store, primarily engaged in the retail sale of all

15 sorts of prepackaged, canned and dry goods such as tea, coffee, spices,
16 sugar and flour, either packaged or in bulk, with or without fresh
17 fruits and vegetables, and with or without fresh, smoked and prepared
18 meats, fish and poultry.

19 (4) "Standard printed menu" means a printed menu that is provided
20 by a restaurant to individual customers.

21 (5) "Major food allergen" means a major food allergen as identified
22 by the federal Food and Drug Administration and includes: (A) Milk,
23 eggs, fish, crustacean shellfish, tree nuts, wheat peanuts and soybeans;
24 and (B) a food ingredient that contains protein derived from any of the
25 foods specified in subparagraph (A) of this subdivision, except any
26 highly refined oil derived from a food specified in subparagraph (A) of
27 this subdivision and any ingredient derived from such highly refined
28 oil; or a food ingredient that is exempt from major food allergen
29 labeling requirements pursuant to an exemption as provided for in 21
30 USC 343(w).

31 (6) "Authorized agent" means any individual certified by the
32 Commissioner of Public Health to inspect food service establishments
33 and enforce the provisions of section 19-13-B42 of the regulations of
34 Connecticut state agencies under the supervision or authority of the
35 director of health.

36 (7) "Director of health" means the director of a local health
37 department or district health department approved by the
38 Commissioner of Public Health, as specified in sections 19a-200 and
39 19a-242 of the general statutes, respectively.

40 (b) On or before July 1, 2010, each chain restaurant in this state shall
41 make available to consumers the total number of calories for each
42 standard menu item along with identification of any major food
43 allergen used in the preparation of such standard menu item, as that
44 item is usually prepared and offered for sale by the chain restaurant.

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

46 (1) Shall list the total number of calories next to each standard menu
47 item and shall conspicuously identify any major food allergen used in
48 the preparation of such standard menu item in a size and typeface
49 similar to other information included on the standard printed menu
50 about such item.

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

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

57 (1) Shall list the total number of calories next to the item and shall
58 conspicuously identify any major food allergen used in the preparation
59 of such standard menu item in a size and typeface similar to other
60 information included on the menu board or sign about the item.

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

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

67 (1) For standard menu items that come in different flavors and
68 varieties but that are listed as a single menu item, such as soft drinks,
69 ice cream, pizza and doughnuts, the chain restaurant shall
70 conspicuously identify any major food allergen used in the preparation
71 of such menu item and may list such calorie totals on standard printed
72 menus, menu boards or similar signs listing food and beverages
73 offered for sale by the chain restaurant as follows: (A) The median
74 calorie total for all flavors or varieties if the calorie totals for all flavors

75 or varieties are within twenty per cent of the median, or (B) the total
76 calorie range for all the flavors or varieties of that menu item, listed
77 from the lowest to the highest value.

78 (2) If a chain restaurant provides a salad bar, buffet line, cafeteria
79 service or similar self-serve arrangement, the chain restaurant shall not
80 be required to identify any major food allergen used in the preparation
81 of such items or list calorie totals and for such items on a standard
82 printed menu, menu board or similar sign listing food and beverages
83 offered for sale by the chain restaurant, but shall, instead, identify any
84 major food allergen used in the preparation of such items and list the
85 total number of calories per serving per item in close proximity to
86 where the items in such arrangement are offered for sale, in a size and
87 typeface that is prominent and legible to customers selecting items
88 from such arrangement.

89 (f) This section does not apply to (1) daily specials and other food or
90 beverage items offered for sale by a chain restaurant for thirty days or
91 less, or (2) condiments and other food items placed on tables or
92 counters for general use without charge, such as bread.

93 Sec. 2. (NEW) (*Effective July 1, 2009*) For the purpose of enforcing the
94 provisions of section 1 of this act, each authorized agent shall, as part
95 of the regularly scheduled inspection of a chain restaurant, evaluate
96 the chain restaurant's compliance with such provisions. As part of such
97 evaluation, the director of health, an authorized agent or a registered
98 sanitarian may request that franchisors or corporate owners of chain
99 restaurants provide documentation of the accuracy of information
100 identifying any major food allergen and any listed calorie totals, but
101 the authorized agent shall not be responsible for verifying the accuracy
102 of the information identifying any major food allergen or listed calorie
103 totals.

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

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

115 (b) On or before July 1, 2010, the Commissioner of Public Health
 116 shall adopt regulations, in accordance with the provisions of chapter
 117 54, incorporating inspection and enforcement procedures for the
 118 requirements established in sections 1 and 2 of this act into regularly
 119 scheduled food service establishment inspections.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	New section
Sec. 2	<i>July 1, 2009</i>	New section
Sec. 3	<i>July 1, 2009</i>	19a-36a

Statement of Purpose:

To require certain restaurants to disclose on such restaurants' standard printed menus total calorie counts for standard menu items along with information that identifies major food allergens used in the preparation of such standard menu items.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]