

By: Senator(s) Smith, Sojourner

To: Public Health and
Welfare

SENATE BILL NO. 2687

1 AN ACT TO RESERVE TO THE LEGISLATURE ANY REGULATION OF
2 CONSUMER INCENTIVE ITEMS AND NUTRITION LABELING FOR FOOD THAT IS A
3 MENU ITEM IN RESTAURANTS, FOOD ESTABLISHMENTS AND VENDING
4 MACHINES; TO SPECIFY THAT THE ACT WOULD NOT AFFECT THE FEDERAL
5 REGULATION OF NUTRITION LABELING UNDER EXISTING FEDERAL LAW; AND
6 FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** (1) As used in this act:

9 (a) "Food nutrition information" includes, but is not
10 limited to, the caloric, fat, carbohydrate, cholesterol, fiber,
11 sugar, potassium, protein, vitamin, mineral, sodium, and allergen
12 content of food. "Food nutrition information" also includes the
13 designation of food as healthy or unhealthy.

14 (b) "Political subdivision" means any county,
15 municipality, town, district, instrumentality of the state, public
16 corporation, body corporate, commission, board, agency, authority,
17 public body, politic or other public entity responsible for
18 governmental activities in geographic areas smaller than that of
19 the state.



20 (c) "Consumer incentive item" means any licensed media
21 character, toy, game, trading card, contest, point accumulation,
22 club membership, admission ticket, token, code or password for
23 digital access, coupon, voucher, incentive, crayons, coloring
24 placemats, or other premium, prize or consumer product that is
25 associated with a meal served by or acquired from a food service
26 operation.

27 (2) The regulation of consumer incentive items and nutrition
28 labeling for food and nonalcoholic beverages that are menu items
29 in restaurants, retail food establishments, and vending machines
30 is reserved to the Legislature and may be regulated only by
31 legislation of statewide application enacted after the effective
32 date of this act. The regulation of the provision of food
33 nutrition information and consumer incentive items at food service
34 operations and how food service operations are characterized are
35 matters of general statewide interest that require statewide
36 regulation, and rules adopted under this section constitute a
37 comprehensive plan with respect to all aspects of the regulation
38 of the provision of food nutrition information and consumer
39 incentive items at food service operations in this state. Rules
40 adopted under this act shall be applied uniformly throughout this
41 state.

42 (3) No political subdivision shall do any of the following:

43 (a) Enact, adopt or continue in effect local
44 legislation relating to the provision or nonprovision of food



45 nutrition information or consumer incentive items at food service
46 operations;

47 (b) Condition any license, permit or regulatory
48 approval upon the provision or nonprovision of food nutrition
49 information or consumer incentive items at food service
50 operations;

51 (c) Ban, prohibit, or otherwise restrict food at food
52 service operations based upon the food's nutrition information or
53 upon the provision or nonprovision of consumer incentive items;

54 (d) Condition any license, permit or regulatory
55 approval for a food service operation upon the existence or
56 nonexistence of food-based health disparities;

57 (e) Where food service operations are permitted to
58 operate, ban, prohibit, or otherwise restrict a food service
59 operation based upon the existence or nonexistence of food-based
60 health disparities as recognized by the department of health, the
61 institute of health, or the centers for disease control.

62 (f) Restrict the sale, distribution, growing, raising
63 or serving of foods and nonalcoholic beverages that are approved
64 for sale by the USDA or other federal or state government
65 agencies.

66 (4) This act shall not be interpreted as being more
67 restrictive than any federal law or affecting in any manner the
68 regulation of the nutrition labeling of food that is a menu item
69 in restaurants, retail food establishments, and vending machines



70 pursuant to the federal Food, Drug and Cosmetic Act, 21 USC
71 343(q) (5) (H) .

72 **SECTION 2.** This act shall take effect and be in force from
73 and after its passage.

