

HOUSE BILL NO. 2193

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOPER.

5076L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 196, RSMo, by adding thereto three new sections relating to the provision of nutritional information by chain restaurants, with penalty provisions and an effective date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 196, RSMo, is amended by adding thereto three new sections, to be known as sections 196.294, 196.296, and 196.298, to read as follows:

196.294. 1. As used in sections 196.294 to 196.298, the following terms shall mean:

(1) "Chain restaurant", a restaurant in this state that is one of at least twenty restaurants in the United States doing business under the same trade name and offering a menu with substantially identical menu items;

(2) "Menu item", shall not include any of the following:

(a) Items that appear on the menu for fewer than ninety days per year;

(b) Condiments and other items placed on a table or counter for use without charge.

2. A chain restaurant shall disclose for each menu item, as prepared and offered for sale at the chain restaurant, the number of calories of a single order of the menu item.

3. A chain restaurant shall have on the premises and make available to a customer, upon request and in writing, all of the following nutritional information regarding a single order of each menu item:

(1) The number of calories from fat;

(2) The number of grams of total fat;

(3) The number of grams of saturated fat;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 17 **(4) The number of grams of carbohydrates;**
18 **(5) The number of grams of sugar;**
19 **(6) The number of milligrams of sodium;**
20 **(7) The number of grams of dietary fiber; and**
21 **(8) The number of grams of protein.**

22 **4. If a chain restaurant offers a menu item to customers using a menu, the chain**
23 **restaurant shall display the calorie information required under subsection 2 of this section**
24 **next to each item on the menu in a size and typeface of equal prominence to the price or**
25 **name of the menu item.**

26 **5. If a chain restaurant offers food to customers in a salad bar, buffet line, cafeteria**
27 **service, or similar arrangement where prepared food is on display, the chain restaurant**
28 **shall display the calorie information required under subsection 2 of this section next to the**
29 **food offered in a size and typeface that is prominent and legible to customers.**

30 **6. If a chain restaurant offers a menu item in various flavors, varieties, or**
31 **combinations and lists the item as a single menu item, the chain restaurant shall display**
32 **the calorie information required under subsection 2 of this section based on the median**
33 **number of calories for all flavors, varieties, or combinations, if the number of calories for**
34 **each flavor, variety, or combination differs from the median number by twenty percent or**
35 **less. If the number of calories for any flavor, variety, or combination differs from the**
36 **median number by more than twenty percent, the chain restaurant shall list the range of**
37 **the number of calories from the lowest to the highest value. If a menu item that comes in**
38 **different flavors, varieties, or combinations is on display with a name placard or similar**
39 **signage, the chain restaurant shall disclose the number of calories per single order of the**
40 **menu item along with the name of the menu item.**

41 **7. If a chain restaurant does not display a menu item on a menu or menu board or**
42 **offer food in a salad bar, buffet line, or cafeteria service, the chain restaurant shall provide**
43 **the calorie information required in subsection 2 of this section in a brochure, booklet,**
44 **kiosk, or other device that is available at the chain restaurant and is easily accessible to**
45 **customers at the point of ordering.**

46 **8. A chain restaurant shall include all of the following information on its menu or**
47 **menu board:**

48 **(1) A statement describing the suggested daily caloric intake based on**
49 **recommendations by the United States Department of Agriculture and the federal**
50 **Department of Health and Human Services;**

51 **(2) A statement that additional nutritional information is available upon request.**

52 **9. A chain restaurant may calculate the nutritional information required to be**
53 **disclosed under subsections 2 and 3 of this section for a single order by dividing the total**
54 **for the entire amount prepared by the number of orders.**

196.296. 1. The department of health and senior services may impose a penalty of
2 **not less than fifty dollars nor more than five hundred dollars for any chain restaurant that**
3 **violates section 196.294.**

4 **2. The department may directly assess the penalty provided for in subsection 1 of**
5 **this section. If the department decides to assess a penalty under subsection 1 of this**
6 **section, the department shall send a notice of assessment to the chain restaurant. The**
7 **notice shall specify the amount of the penalty assessed, describe the violation, and notify**
8 **the chain restaurant of the right to a hearing under subsection 3 of this section.**

9 **3. A chain restaurant may contest the assessment of a penalty under this section in**
10 **accordance with the provisions of chapter 536.**

11 **4. No local ordinance shall do any of the following:**

12 **(1) Impose any requirement to provide calorie or nutritional information on a**
13 **restaurant that is not a chain restaurant; or**

14 **(2) Require a chain restaurant to post any nutritional information that is not**
15 **required under this section.**

16 **5. Sections 196.294 to 196.298 shall not apply if a federal law or regulation requires**
17 **a chain restaurant to post nutritional information.**

196.298. 1. Any person who violates sections 196.294 to 196.298 or any regulation
2 **promulgated thereunder shall be fined not less than one hundred dollars nor more than**
3 **one thousand dollars. Any person who fails to comply with an order of the department**
4 **under sections 196.294 to 196.298 shall be assessed an administrative penalty of fifty**
5 **dollars for each day of noncompliance after the order is served upon or directed to such**
6 **person.**

7 **2. Any restaurant that provides nutritional information described in section**
8 **196.294 is immune from any civil liability that results from providing inaccurate**
9 **nutritional information if the nutritional information is provided in good faith.**

 Section B. Section A of this act shall become effective January 1, 2011.

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