

AMENDED IN ASSEMBLY JUNE 19, 2007

AMENDED IN SENATE APRIL 23, 2007

AMENDED IN SENATE MARCH 21, 2007

AMENDED IN SENATE MARCH 8, 2007

**SENATE BILL**

**No. 120**

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**Introduced by Senators Padilla and Migden**

(Principal coauthor: Assembly Member DeSaulnier)

~~(Coauthor: Senator Alquist~~ **Coauthors: Senators Alquist and Cedillo**  
(Coauthors: Assembly Members Coto, Hernandez, Mendoza, Saldana,  
and Solorio)

January 22, 2007

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An act to add ~~Chapter 12.5 (commencing with Section 114375) to Part 7 of Division 104 of Section 114094~~ to the Health and Safety Code, relating to food facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 120, as amended, Padilla. Food facilities: nutritional information.

The California Uniform Retail Food Facilities Law (CURFFL) provides for the regulation of health and sanitation standards for retail food facilities by the State Department of *Public Health Services*. Under existing law local health agencies are primarily responsible for enforcing CURFFL. A violation of any of these provisions is punishable as a misdemeanor. ~~Effective July 1, 2007, the duties of the department will be transferred to the State Department of Public Health.~~

This bill would require each food facility in the state that meets specified criteria to provide nutritional information that includes, per standard menu item, the total number of calories, grams of saturated fat, grams of trans fat, and milligrams of sodium on standard menus. It

would also require the menu boards to include the total number of calories. The bill would provide that, *on and after July 1, 2009*, a food facility ~~would be in violation that violates the provisions of the act and bill is guilty of a an infraction if it fails to comply with these requirements on and after January 1, 2009, and would specifically provide that a violation of these provisions is not a misdemeanor.~~ By creating an infraction and adding a new local enforcement duty, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature hereby finds and declares all of
- 2 the following:
- 3 (a) Research continues to reveal the strong link between diet
- 4 and health, and that diet-related diseases start early in life.
- 5 (b) Increased caloric intake is a key factor contributing to the
- 6 alarming increase in obesity in the United States. According to the
- 7 Centers for Disease Control and Prevention, two-thirds of
- 8 American adults are overweight or obese, and the rates of obesity
- 9 have tripled in children and teens since 1980.
- 10 (c) Obesity increases the risk of diabetes, heart disease, stroke,
- 11 some cancers, and other health problems.
- 12 (d) Basic nutritional information is extremely important to
- 13 consumers who are dealing with chronic diseases like
- 14 cardiovascular disease and diabetes.
- 15 (e) Over the past two decades, there has been a significant
- 16 increase in the number of meals prepared or eaten outside the
- 17 home, with an estimated one-third of calories and almost one-half

1 (46 percent) of total food dollars being spent on food purchased  
2 from or eaten at restaurants and other food facilities.

3 (f) Three-quarters of American adults report using food labels  
4 on packaged foods, which are required by the Nutrition Labeling  
5 and Education Act of 1990.

6 (g) Consumers should be provided with point of purchase access  
7 to nutritional information when eating out in order to make  
8 informed decisions involving their health and diet.

9 (h) It is the intent of the Legislature to provide consumers with  
10 better access to nutritional information about prepared foods sold  
11 at food facilities so that consumers can understand the nutritional  
12 value of available foods.

13 ~~SEC. 2. Chapter 12.5 (commencing with Section 114375) is~~  
14 ~~added to Part 7 of Division 104 of the Health and Safety Code, to~~  
15 ~~read:~~

16  
17 ~~CHAPTER 12.5. FOOD FACILITY NUTRITION~~

18  
19 ~~114375.—~~

20 *SEC. 2. Section 114094 is added to the Health and Safety Code,*  
21 *to read:*

22 *114094.* (a) Except as provided in subdivision (e), each food  
23 facility in this state that shares the same trade name with at least  
24 nine other food facilities in the state, regardless of whether the  
25 food facilities are subject to the same ownership or type of  
26 ownership, that offers for sale substantially the same menu items  
27 shall make nutritional information available to consumers for all  
28 standard menu items. This information shall include, but not be  
29 limited to, all of the following, per standard menu item, as usually  
30 prepared and offered for sale:

- 31 (1) Total number of calories.
- 32 (2) Total number of grams of saturated fat.
- 33 (3) Total number of grams of trans fat.
- 34 (4) Total number of carbohydrates.
- 35 (5) Total number of milligrams of sodium.

36 (b) Each food facility that uses a standard menu shall provide  
37 the nutritional information next to each item on the menu in a size  
38 and typeface similar to other information about each menu item.  
39 The bottom of each page of a menu shall include, in a clear and  
40 conspicuous manner, the following statement: “Recommended

1 limits for a 2,000 calorie daily diet are 20 grams of saturated fat  
2 and 2,300 milligrams of sodium.” If the food facility also uses a  
3 menu board, the food facility may limit the nutritional information  
4 listed on the menu board to the total number of calories per item  
5 in a size and typeface similar to other information about the item.

6 (c) Each food facility that uses only a menu board shall provide  
7 on the menu board the total number of calories per item in a size  
8 and typeface similar to other information on the menu board about  
9 the item. This type of food facility shall, upon request, make the  
10 other nutritional information available to consumers in writing at  
11 the point of sale.

12 (d) Menus and menu boards may include a disclaimer that  
13 indicates that there may be minimal variations in nutritional content  
14 across servings, based on slight variations in overall size and  
15 quantities of ingredients, and based on special ordering.

16 (e) This section does not apply to items that are on the menu  
17 for less than six months ~~and to condiments and, to condiments,~~  
18 ~~and to~~ other items placed on the table or counter for general use  
19 without charge. *This section also does not apply to alcoholic*  
20 *beverages.* This section also does not apply to the following types  
21 of food facilities:

- 22 (1) Certified farmers’ markets.
- 23 (2) Commissaries.
- 24 (3) Licensed health care facilities.
- 25 (4) Mobile support units.
- 26 (5) Public and private school cafeterias.
- 27 (6) Restricted food service facilities.
- 28 (7) Temporary food facilities.
- 29 (8) Vending machines.

30 ~~114376. On and after January~~

31 (f) *Commencing July 1, 2009*, a food facility that violates this  
32 ~~chapter~~ *section* is guilty of an infraction, punishable by a fine of  
33 not less than fifty dollars (\$50) or more than five hundred dollars  
34 (\$500) for each violation, which may be assessed by a local  
35 enforcement agency. Notwithstanding Section 113935, a violation  
36 of this section is not a misdemeanor.

37 SEC. 3. No reimbursement is required by this act pursuant to  
38 Section 6 of Article XIII B of the California Constitution for certain  
39 costs that may be incurred by a local agency or school district  
40 because, in that regard, this act creates a new crime or infraction,

1 eliminates a crime or infraction, or changes the penalty for a crime  
2 or infraction, within the meaning of Section 17556 of the  
3 Government Code, or changes the definition of a crime within the  
4 meaning of Section 6 of Article XIII B of the California  
5 Constitution.

6 However, if the Commission on State Mandates determines that  
7 this act contains other costs mandated by the state, reimbursement  
8 to local agencies and school districts for those costs shall be made  
9 pursuant to Part 7 (commencing with Section 17500) of Division  
10 4 of Title 2 of the Government Code.

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