

**Introduced by Senators Padilla and Migden**  
(Principal coauthor: Assembly Member DeSaulnier)

February 21, 2008

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An act to add Section 114094 to the Health and Safety Code, relating to food facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1420, as introduced, 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. Under existing law local health agencies are primarily responsible for enforcing CURFFL. A violation of any of these provisions is punishable as a misdemeanor.

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. 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 that violates the provisions of the bill is guilty of an infraction, 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
- 18 (46 percent) of total food dollars being spent on food purchased
- 19 from or eaten at restaurants and other food facilities.
- 20 (f) Three-quarters of American adults report using food labels
- 21 on packaged foods, which are required by the federal Nutrition
- 22 Labeling and Education Act of 1990.
- 23 (g) Consumers should be provided with point of purchase access
- 24 to nutritional information when eating out in order to make
- 25 informed decisions involving their health and diet.
- 26 (h) It is the intent of the Legislature to provide consumers with
- 27 better access to nutritional information about prepared foods sold
- 28 at food facilities so that consumers can understand the nutritional
- 29 value of available foods.

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

3 114094. (a) Each food facility in this state that operates under  
4 common ownership or control with at least 14 other food facilities  
5 with the same name in the state that offer for sale substantially the  
6 same menu items, or operates as a franchised outlet of a parent  
7 company with at least 14 other franchised outlets with the same  
8 name in the state that offer for sale substantially the same menu  
9 items, shall make nutritional information available to consumers  
10 for all standard menu items. This information shall include, but  
11 not be limited to, all of the following, per standard menu item, as  
12 usually prepared and offered for sale:

- 13 (1) Total number of calories.
- 14 (2) Total number of grams of saturated fat.
- 15 (3) Total number of grams of trans fat.
- 16 (4) Total number of carbohydrates.
- 17 (5) Total number of milligrams of sodium.

18 (b) Each food facility described in subdivision (a) that uses a  
19 standard menu shall provide the nutritional information next to  
20 each item on the menu in a size and typeface that is clear and  
21 conspicuous. A page of the menu shall include, in a clear and  
22 conspicuous manner, the following statement: “Recommended  
23 limits for a 2,000 calorie daily diet are 20 grams of saturated fat  
24 and 2,300 milligrams of sodium.” If the food facility also uses a  
25 menu board, the food facility may limit the nutritional information  
26 listed on the menu board to the total number of calories per item  
27 in a size and typeface that is clear and conspicuous.

28 (c) Each food facility described in subdivision (a) that uses only  
29 a menu board shall provide on the menu board the total number  
30 of calories per item in a size and typeface that is clear and  
31 conspicuous. This type of food facility shall, upon request, make  
32 the other nutritional information described in subdivision (a)  
33 available to consumers in writing at the point of sale.

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

38 (e) The nutritional information required by this section shall be  
39 based upon a verifiable analysis of the menu item, which may

1 include the use of nutrient databases, laboratory testing, or other  
2 reliable methods of analysis.

3 (f) Notwithstanding Section 113789, for purposes of this section,  
4 food facility does not include any of the following:

- 5 (1) Certified farmers' markets.
- 6 (2) Commissaries.
- 7 (3) Licensed health care facilities.
- 8 (4) Mobile support units.
- 9 (5) Public and private school cafeterias.
- 10 (6) Restricted food service facilities.
- 11 (7) Temporary food facilities.
- 12 (8) Vending machines.

13 (9) Grocery stores, except for separately owned food facilities  
14 to which this section otherwise applies that are located in the  
15 grocery store. For purposes of this paragraph, "grocery store"  
16 means a store primarily engaged in the retail sale of canned foods,  
17 dry goods, fresh fruits and vegetables, and fresh and prepared  
18 meats, fish, and poultry, and includes convenience stores.

19 (g) For purposes of this section, a standard menu item does not  
20 include food items that are on the menu for less than six months,  
21 condiments, other items placed on the table or counter for general  
22 use without charge and alcoholic beverages.

23 (h) Commencing July 1, 2009, a food facility that violates this  
24 section is guilty of an infraction, punishable by a fine of not less  
25 than fifty dollars (\$50) or more than five hundred dollars (\$500),  
26 which may be assessed by a local enforcement agency. However,  
27 a food facility may not be found to violate this section more than  
28 once during an inspection visit. Notwithstanding Section 113395,  
29 a violation of this section is not a misdemeanor.

30 SEC. 3. No reimbursement is required by this act pursuant to  
31 Section 6 of Article XIII B of the California Constitution for certain  
32 costs that may be incurred by a local agency or school district  
33 because, in that regard, this act creates a new crime or infraction,  
34 eliminates a crime or infraction, or changes the penalty for a crime  
35 or infraction, within the meaning of Section 17556 of the  
36 Government Code, or changes the definition of a crime within the  
37 meaning of Section 6 of Article XIII B of the California  
38 Constitution.

39 However, if the Commission on State Mandates determines that  
40 this act contains other costs mandated by the state, reimbursement

1 to local agencies and school districts for those costs shall be made  
2 pursuant to Part 7 (commencing with Section 17500) of Division  
3 4 of Title 2 of the Government Code.

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