

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1309

By: Cain and Johnson
(Constance)

AS INTRODUCED

An Act relating to public health and safety; creating the Oklahoma Nutrition Information Act; providing short title; declaring legislative intent; defining terms; requiring certain restaurants to provide certain nutrition information under certain circumstances; requiring certain nutrient analysis; requiring certain compliance; requiring certain determinations upon inspection; authorizing the State Department of Health to promulgate certain rules; authorizing the State Department of Health to assess certain penalties; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1118.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Nutrition Information Act". It is the intent of the Legislature to inform the general public of important nutrition information.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1118.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Nutrition Information Act:

1. "Nutrition information" means the total number of: calories, grams of fat, grams of carbohydrates, milligrams of sodium, and grams of protein contained within a standard menu item, as usually prepared and offered for sale.

2. "Chain restaurant" means a restaurant or similar retail food establishment having five or more locations within Oklahoma doing business under the same trade name.

3. "Standard menu items" means all menu items excluding: temporary menu items, such as specials that appear on the menu for less than thirty (30) days per year, and condiments and other items placed on the table or counter for general use without charge.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1118.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Chain restaurants shall provide nutrition information for all standard menu items in printed form that the customer may keep.

B. Chain restaurants shall post a sign on the premises advising that nutrition information concerning standard menu items served at the restaurant is available upon request.

C. Nothing in this act precludes chain restaurants from providing additional nutrition information voluntarily.

D. Chain restaurants shall obtain the nutrient analysis required by this act from an independent nutrition testing laboratory and shall use analytical methods and express nutrient content information in a manner consistent with the federal Uniform Food, Drug and Cosmetic Act and implementing regulations.

E. A label is out of compliance with this act if the label declaration is more than twenty percent (20%) lower than the nutrient analysis shows as the content of the menu item. A label is not considered to be out of compliance with this act if nutrition information is altered due to changes or substitutions made at the request of the customer.

F. The State Commissioner of Health or the Commissioner's duly authorized agents or employees who inspect chain restaurants shall be required to determine if a chain restaurant is in compliance with this act. The State Department of Health may request that owners of

chain restaurants provide documentation of the accuracy of the nutrition information.

G. The State Department of Health shall promulgate rules to implement and enforce the provisions of this act including imposition of an administrative fine not to exceed Two Hundred Fifty Dollars (\$250.00).

SECTION 4. This act shall become effective November 1, 2006.

50-2-2361

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