
A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. According to the Centers for Disease Control
2 and Prevention, two-thirds of adults in the United States are
3 overweight or obese. The rate of obesity has tripled among
4 children and teens since 1980. Obesity increases the risk of
5 diabetes, heart disease, stroke, and other health problems and
6 costs families, businesses, and governments millions of dollars
7 each year.

8 Research continues to reveal a strong link between diet and
9 health. Increased calorie intake is a key contributor to the
10 alarming increase in obesity. Excess saturated fat intake is a
11 major risk factor for heart disease. Increased sodium intake is
12 associated with an increased risk of high blood pressure or
13 hypertension, a condition that can lead to cardiovascular
14 disease such as stroke.

15 There is an upward trend in calorie and sodium intake that
16 coincides with a significant increase in the number of meals
17 prepared and eaten outside the home in the past two decades. It
18 is estimated that half of the money spent on food goes toward



1 food from restaurants and other food service establishments,
2 which is also where one-third of calories are consumed.

3 The legislature finds that improving the availability of
4 nutritional information about food from food service
5 establishments will help curb unhealthy food consumption.
6 Three-quarters of American adults report using the information
7 found on nutritional labels required by the federal Nutrition
8 Labeling and Education Act of 1990. But while nutrition
9 labeling is currently required on most packaged foods, labeling
10 for restaurant foods is only required when nutrient content or
11 health claims are made. Given the lack of nutritional
12 information for most restaurant foods, it is difficult for
13 restaurant-goers to make decisions that limit their calorie and
14 sodium intake.

15 The purpose of this Act, which shall be known as the "Menu
16 Education and Labeling Act", is to require a retail food
17 establishment that is part of a franchise comprised of ten or
18 more establishments to maintain nutritional information on each
19 of its standard menu items and have that information readily
20 available to provide to the public upon request.



1 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§321- Franchise retail food establishments; nutritional
5 information. (a) From January 1, 2011, a franchise retail food
6 establishment shall maintain nutritional information on each
7 standard menu item on the menu and provide this nutritional
8 information to customers; provided that:

9 (1) If the franchise retail food establishment uses only a
10 menu board, it may limit the nutritional information
11 maintained to the total number of calories per serving
12 per item;

13 (2) If the franchise retail food establishment serves a
14 standard menu item in a self-serve capacity, such as
15 in a salad bar, buffet line, or cafeteria service, it
16 may limit the nutritional information maintained to
17 the total number of calories per standard serving per
18 item.

19 (3) If the retail food establishment does not have a sit
20 down dining area and consists of a drive-through only,
21 nutritional information shall be provided upon
22 customer request; provided further that a notice shall



1 be clearly and conspicuously displayed at the point of
2 sale that reads: "Nutrition information is available
3 upon request".

4 (b) Nutritional information shall be provided by means of
5 an in-store brochure, booklet, kiosk, or other device that is
6 easily accessible to customers. The retail food establishment
7 shall also inform customers of the availability of this
8 information through signage.

9 (c) The director shall adopt rules pursuant to chapter 91
10 to implement this section.

11 (d) For the purposes of this section:

12 "Drive-through" means an area where a customer may provide
13 an order for and receive standard menu items while occupying a
14 motor vehicle.

15 "Franchise retail food establishment" means a retail food
16 establishment that is part of a franchise comprised of ten or
17 more establishments, regardless of the ownership of the
18 individual establishments.

19 "Menu board" means a posted list or pictorial display of
20 food or beverage items offered for sale by a food facility.

21 "Nutritional information" means information that includes
22 the number of:



- 1 (1) Calories;
- 2 (2) Grams of saturated fat and trans fat;
- 3 (3) Grams of carbohydrates;
- 4 (4) Milligrams of sodium;
- 5 (5) Grams of protein; and
- 6 (6) Grams of sugar per serving.

7 "Standard menu item" means food offered for sale that
8 appears on the menu for more than thirty days per year, except
9 for condiments, customized orders, and daily specials.

10 (e) This section shall not apply to:

- 11 (1) Farmers' markets;
- 12 (2) Commissaries;
- 13 (3) Grocery stores, except for separately owned food
14 facilities to which this section otherwise applies
15 that are located in the grocery store. For purposes
16 of this paragraph, "grocery store" means a store
17 primarily engaged in the retail sale of canned food,
18 dry goods, fresh fruits and vegetables, and fresh
19 meats, fish, and poultry. "Grocery store" includes
20 convenience stores.
- 21 (4) Licensed health care facilities;
- 22 (5) Mobile support units;



- 1 (6) Public and private school cafeterias;
- 2 (7) Restricted food service facilities;
- 3 (8) Retail stores in which a majority of sales are from a
- 4 pharmacy, as defined in section 461-1; and
- 5 (9) Vending machines."

6 SECTION 3. New statutory material is underscored.

7 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: John P. Magno

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Report Title:

Obesity; Menu Education and Labeling Act

Description:

Requires a franchise retail food establishment to include nutritional information about each standard menu item.

