

STAND. COM. REP. NO. 963

Honolulu, Hawaii

March 6, 2009

RE: H.B. No. 1526
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Finance, to which was referred H.B. No. 1526, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this bill is to help consumers make informed choices at food service establishments by requiring every retail food establishment that is part of a franchise composed of ten or more establishments to maintain nutritional information on each of its standard menu items and have that information readily available to provide to the public upon request.

The Department of Health (DOH), American Heart Association, Hawaii State Nutrition and Physical Activity Coalition, American Cancer Society, and Center for Science in the Public Interest opposed this bill. The Hawaii Restaurant Association provided comments.

Upon further consideration, your Committee has amended this bill by:

- (1) Extending the deadline by which franchise retail food establishments must comply with the provisions set forth in this bill to January 1, 2012;
- (2) Requiring franchise retail food establishments that do not provide sit-down service to provide nutritional

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information in a brochure or booklet made available at the point of sale;

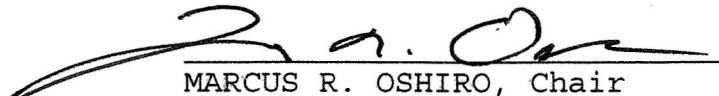
- (3) Requiring franchise retail food establishments with sit-down service to provide nutritional information either on the table with a brochure or table tent, or in the menu next to each standard menu item, under an index, or on a menu insert;
- (4) Clarifying that nutritional information may be omitted on a drive-through menu only, and only if a clear and conspicuous notice is displayed letting the customer know that the information is available upon request;
- (5) Requiring a franchise retail food establishment to disclose calorie count information next to each menu item, either on an indoor menu board, in the menu, or on a display tag by January 1, 2012;
- (6) Adding provisions to account for the disclosure of calorie count information where a standard menu item is composed of two or more standard menu items;
- (7) Adding a provision to account for the disclosure of calorie count information where a standard menu item, not including appetizers or desserts, is intended to serve more than one individual;
- (8) Providing that this bill neither changes the existing relevant laws relating to claims, rights of action, and liabilities, nor creates a private right of action;
- (9) Adding a provision to state that franchise retail food establishments may voluntarily provide nutritional information in addition to that required by this bill;
- (10) Adding a provision prohibiting counties from enacting ordinances or rules regarding the matters covered in this bill;
- (11) Including a minimum fine of \$50 and maximum fine of \$500, payable by a franchise retail food establishment upon violation of the provisions in this bill;



- (12) Specifying that DOH is responsible for the enforcement of these provisions and the adoption of rules required to implement these provisions;
- (13) Including grocery stores and public and private school cafeterias as subject to these provisions;
- (14) Changing the definition of "franchise retail food establishment" to include any retail food establishment that is owned, controlled, or franchised by an entity whose business includes the franchising of retail food establishments under one or more franchise brands or trade names in at least fifteen states;
- (15) Clarifying the definitions of "menu board" and "standard menu items";
- (16) Changing the definition of "nutritional information" to remove grams of trans fat, grams of protein, and grams of sugar;
- (17) Including definitions for "appetizer", "calorie content information", "dessert", and "reasonable basis";
- (18) Adding a severability clause; and
- (19) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1526, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1526, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Finance,


MARCUS R. OSHIRO, Chair



