

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christopher D. Adams.

---

## DIGEST

Heitmeier (SB 512)

Proposed law provides a chain restaurant shall list on a food display tag, menu, or menu board the total amount of calories per serving of each food and beverage item listed for sale on the food display tag, menu, or menu board.

Proposed law provides definitions.

Proposed law provides the statement of calories shall be:

- (1) Clear and conspicuous.
- (2) Adjacent to or in close proximity and clearly associated with the item to which the statement refers.
- (3) Printed in a font and format at least as prominent in size and appearance as the name or the price of the item to which the statement refers.

Proposed law further provides the caloric content information shall be determined on a reasonable basis and may be determined only once per standard menu item if the eating establishment follows a standardized recipe, trains to a consistent method of preparation, and maintains a reasonably consistent portion size.

Proposed law provides menu, menu board, or written nutrition information provided to a customer by a chain restaurant shall contain the following statement in a clear and conspicuous manner and in a prominent location:

"To maintain a healthy weight, a typical adult should consume approximately 2,000 calories per day; however, individual calorie needs may vary."

Proposed law provides a menu, menu board, or written nutrition information provided to a customer by a chain restaurant may include the following statement or a statement similar to the following:

"Nutrition information is based upon standard recipes and product formulations; however, modest variations may occur due to differences in preparation, serving sizes, ingredients, or special orders."

Proposed law provides for a food or beverage item that is listed as a single item but includes more than one variety, the caloric information required under proposed law for that item shall be

the median value of calories for all varieties offered for that item if the caloric information for each variety of the item is within twenty percent of the median for that item. If the caloric information required by proposed law for a variety of a food or beverage item is not within 20 percent of the median for that item, then the caloric information shall be stated for each variety of that item. If a food display tag is used to identify a specific variety of a food or beverage item, the caloric information required by proposed law shall be for that specific variety of the item.

Proposed law provides a chain restaurant shall not be required to provide information pursuant to proposed law for:

- (1) A condiment or other item offered to a customer for general use without charge.
- (2) An item sold to a customer in a manufacturer's original sealed package that contains nutrition information as required by federal law.
- (3) A custom order for a food or beverage item that does not appear on a menu, menu board, or food display tag.

Proposed law provides a chain restaurant shall state on a food display tag, menu, or menu board the average caloric value for beers, wines, and spirits as established by the United States Department of Agriculture, Agricultural Research Service, in the National Nutrient Database for Standard Reference.

Proposed law provides the Department of Health and Hospitals (department) may inspect chain restaurants for compliance. Further, the person operating the chain restaurant shall, upon request of the department, permit access to all parts of the restaurant and any records in the possession of the restaurant regarding nutritional values or menu items and provide menu item samples for nutritional value testing by the department.

Proposed law provides if a chain restaurant violates proposed law, the department shall provide the restaurant with written notice informing the restaurant of the violation and stating that the restaurant may avoid a civil penalty for the violation by curing the violation within 60 days. If the chain restaurant fails to cure the violation within 60 days, the department may impose a civil penalty of not less than \$250 and not more than \$1,000 for the violation. For a continuing violation, each 30 day period that the violation continues after the preceding imposition of a civil penalty is a separate offense subject to a separate civil penalty. The department is not required to provide the chain restaurant with an opportunity to cure the continuing violation before imposing a civil penalty for the continuing violation.

Effective January 1, 2015.

(Adds R.S. 40:1300.391-1300.396)