

BILL ANALYSIS

C.S.H.B. 3153

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Public Health

Committee Report (Substituted)

BACKGROUND AND PURPOSE

In our fast-paced society, it is not unusual for a consumer to frequent chain-restaurants on a daily basis. Because menu items at these types of establishments is often prepared in advance of reaching the location of sale, operators and kitchen staff are not aware of the individual ingredients and nutritional substance of the food they are selling. Consumers have a right and a need to be informed about the nutritional value of the food they consume, particularly those that have medical conditions such as diabetes, heart disease, high blood pressure, high cholesterol, allergies, and/or obesity. It is important for guidelines to be established for the posting of this information in chain-restaurants to ensure clear access. A warning should be required if the food is high in fat content, which could endanger a consumer's health.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3153 defines a chain restaurant as an establishment that operates 8 or more locations within the state with the same name and ownership and derives 75% or more of its gross revenue from the sale of food and beverage. This bill requires chain restaurants to provide notice of the nutritional value of each menu item in a readily available and durable pamphlet. To be included in the listing of values are total calories, calories from fat, total fat grams, cholesterol milligrams, sodium milligrams, carbohydrate grams, dietary fiber grams, sugar grams, and protein grams. Printing and availability guidelines are provided. If any menu item contains grams of fat in excess of one-third of the total caloric count of the item, a warning that the consumption of fatty foods may lead to obesity must be included at the bottom of each page of the pamphlet. C.S.H.B. 3153 also establishes guidelines for the posting of nutritional information for drive-through service. Due to the fast-paced nature of this scenario, the restaurant must list on the drive-through menu board the calories of each food item for quick and easy access and include a notice along the bottom that a pamphlet of nutritional value is available upon request.

An offense under this section is a misdemeanor punishable by a fine of not less than \$25 or more than \$100, confinement in jail not to exceed 30 days, or both fine and confinement.

EFFECTIVE DATE

September 1, 2003.

COMPARISON BETWEEN ORIGINAL AND SUBSTITUTE

The substitute raises the number of establishments that constitute a "chain restaurant" from three or more to eight or more. It also allows for the nutritional information to be printed in a pamphlet rather than a menu, as required by the original. It requires that the waitstaff must inform the customer of the availability of nutritional information before taking the order. The substitute provides flexibility by allowing the nutritional value to be based on a complete meal or separately for each food item. The substitute maintains the warning that eating fatty foods may lead to obesity but establishes that it may be included on the bottom of each pamphlet page rather than next to each individual high-fat menu item. The substitute specifically addresses drive-through scenarios.

