

By: Bonnen

H.B. No. 3153

Substitute the following for H.B. No. 3153:

By: Truitt

C.S.H.B. No. 3153

A BILL TO BE ENTITLED

AN ACT

relating to notice of nutritional information by a chain restaurant; providing a criminal penalty.

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

SECTION 1. Subtitle A, Title 6, Health and Safety Code, is amended by adding Chapter 442 to read as follows:

CHAPTER 442. NUTRITIONAL VALUE INFORMATION

Sec. 442.001. DEFINITION. In this chapter, "chain restaurant" means an establishment operating at eight or more locations in this state with the same name and under common ownership that derives 75 percent or more of the establishment's gross revenue from the sale of food and beverages, not including alcoholic beverages, for on-premises consumption.

Sec. 442.002. APPLICABILITY. This chapter does not apply to a hotel or motel, except that this chapter applies to a chain restaurant at a hotel or motel.

Sec. 442.003. PAMPHLET OF NUTRITIONAL VALUE. (a) A chain restaurant shall prepare a pamphlet containing a statement of nutritional value for each food item listed on a menu of the restaurant. The pamphlet may list the nutritional value for a complete meal or may separately list each food item and any associated food product, such as a topping.

(b) The pamphlet must:

(1) contain for each meal or food item:

- (A) total calories;
- (B) calories from fat;
- (C) total fat grams;
- (D) milligrams of cholesterol;
- (E) milligrams of sodium;
- (F) total grams of carbohydrates;
- (G) total grams of dietary fiber;
- (H) total grams of sugar; and
- (I) total grams of protein;

(2) be available to each customer at each restaurant location;

(3) be printed in a font size not more than one font size smaller than the smallest font size used to list the food items; and

(4) be laminated or published in another similar durable form.

(c) The pamphlet of nutritional value must contain the following statement at the bottom of each page of the pamphlet that contains the nutritional value of a meal or food item for which one-third or more of the total calories are attributable to fat: "EATING FATTY FOODS MAY LEAD TO OBESITY."

(d) The statement required by Subsection (c) must be in a conspicuous place and be printed in a font size at least one font size larger than the statement of nutritional value.

(e) A chain restaurant shall have a number of pamphlets equal to one-third of the number of seats available for customers at the restaurant. Before taking a customer's order, a person

1 employed by the restaurant shall inform each customer about the
2 pamphlet.

3 (f) A chain restaurant that does not seat customers must
4 have at least one pamphlet available to customers on request.

5 (g) A chain restaurant offering drive-through service
6 shall:

7 (1) list on the drive-through menu board the calories
8 for each food item or meal; and

9 (2) print at the bottom of the menu board in a font
10 size at least one font size larger than the font size used to list
11 the food items: "PAMPHLET OF NUTRITIONAL VALUE AVAILABLE ON
12 REQUEST."

13 Sec. 442.004. CRIMINAL PENALTY. (a) The owner or operator
14 of a chain restaurant commits an offense if the person violates
15 Section 442.003.

16 (b) An owner or operator of a chain restaurant commits an
17 offense if the person knowingly serves a food item for which a
18 pamphlet of nutritional value is not made available in accordance
19 with this chapter.

20 (c) An offense under this section is a misdemeanor
21 punishable by:

22 (1) a fine of not less than \$25 or more than \$100;

23 (2) confinement in jail for a term not to exceed 30
24 days; or

25 (3) both fine and confinement.

26 SECTION 2. This Act takes effect September 1, 2003.