

REFERENCE TITLE: **nutritional information; chain restaurants**

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1436

Introduced by

Senator Aguirre; Representatives Bradley, Gallardo, Pancrazi; Senators
Aboud, Burton Cahill, Chevront, Hale, McCune Davis, Miranda, Pesquiera,
Rios, Soltero; Representatives Lopes, Ulmer

AN ACT

**AMENDING TITLE 36, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2;
RELATING TO CHAIN RESTAURANT NUTRITIONAL INFORMATION.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 8, Arizona Revised Statutes, is amended
3 by adding article 2, to read:

4 ARTICLE 2. CHAIN RESTAURANT NUTRITIONAL INFORMATION

5 36-931. Chain restaurants; nutritional information; civil
6 penalties; definition

7 A. A CHAIN RESTAURANT OR FOOD ESTABLISHMENT MUST LIST ADJACENT TO EACH
8 FOOD OR BEVERAGE ITEM ON THE STANDARD PRINTED MENU, IN A CLEAR AND
9 CONSPICUOUS MANNER, THE TOTAL NUMBER OF THE FOLLOWING PER SERVING, AS USUALLY
10 PREPARED AND OFFERED FOR SALE:

- 11 1. CALORIES.
- 12 2. GRAMS OF SATURATED FAT.
- 13 3. GRAMS OF TRANS FAT.
- 14 4. GRAMS OF CARBOHYDRATES.
- 15 5. MILLIGRAMS OF SODIUM.

16 B. FOR FOOD OR BEVERAGES OFFERED FOR SALE IN A CHAIN RESTAURANT OR
17 FOOD ESTABLISHMENT THAT USES ONLY MENU BOARDS OR SIMILAR SIGNS, THE CHAIN
18 RESTAURANT OR FOOD ESTABLISHMENT MAY PROVIDE THE INFORMATION REQUIRED
19 PURSUANT TO SUBSECTION A BY THE TOTAL NUMBER OF CALORIES PER SERVING PER ITEM
20 AS USUALLY PREPARED AND OFFERED FOR SALE AND SHALL LIST THIS INFORMATION
21 ADJACENT TO EACH FOOD OR BEVERAGE ITEM ON THE STANDARD MENU BOARD OR SIGN.
22 THE CHAIN RESTAURANT OR FOOD ESTABLISHMENT MUST PROVIDE INFORMATION ABOUT
23 GRAMS OF SATURATED AND TRANS FAT, GRAMS OF CARBOHYDRATES AND MILLIGRAMS OF
24 SODIUM TO CUSTOMERS ON REQUEST.

25 C. FOOD OR BEVERAGE ITEMS SHALL BE ANALYZED BY THE FRANCHISORS OR
26 CORPORATE OWNERS OF THE CHAIN RESTAURANT OR FOOD ESTABLISHMENT FOR CALORIE,
27 SATURATED FAT, TRANS FAT, CARBOHYDRATE AND SODIUM CONTENT USING METHODS
28 APPROVED BY THE DEPARTMENT OF HEALTH SERVICES. THE FRANCHISORS OR CORPORATE
29 OWNERS MUST PROVIDE THIS INFORMATION TO THEIR INDIVIDUAL CHAIN RESTAURANTS
30 AND FOOD ESTABLISHMENTS FOR LISTING ON MENUS OR MENU BOARDS OR SIGNS. THE
31 NUTRIENT CONTENT VALUES LISTED ON THE MENU OR MENU BOARD MUST BE WITHIN
32 TWENTY PER CENT OF THE VALUES OF REPRESENTATIVE ITEMS AS USUALLY PREPARED AND
33 OFFERED FOR SALE. FRANCHISORS OR CORPORATE OWNERS MUST PROVIDE TO THE
34 DEPARTMENT, IF REQUESTED, INFORMATION DOCUMENTING THE ACCURACY OF THE
35 NUTRIENT CONTENT VALUES. IF A FOOD OR BEVERAGE ITEM IS OFFERED IN MORE THAN
36 ONE SIZE OR AMOUNT ON THE MENU OR MENU BOARD OR SIGN, THE CHAIN RESTAURANT OR
37 FOOD ESTABLISHMENT MAY PROVIDE THE REQUIRED NUTRIENT INFORMATION FOR THE
38 MEDIUM SIZE, IF OFFERED, OR THE RANGE OF NUTRIENT CONTENTS FOR ALL THE SIZES
39 INSTEAD OF EACH SIZE INDIVIDUALLY. THIS SUBSECTION DOES NOT PROHIBIT ANY
40 RESTAURANT OR FOOD ESTABLISHMENT FROM PROVIDING ADDITIONAL NUTRITIONAL
41 INFORMATION FOR FOOD OR BEVERAGE ITEMS.

42 D. TO DETERMINE COMPLIANCE WITH THIS SECTION, DEPARTMENT INSPECTORS
43 MUST DETERMINE ONLY THAT THE NUTRIENT INFORMATION REQUIRED PURSUANT TO THIS
44 SECTION IS LISTED ON THE MENU OR MENU BOARD OR SIGN AND THAT ANY ADDITIONAL
45 REQUIRED INFORMATION IS AVAILABLE FOR AND PROVIDED TO CUSTOMERS ON REQUEST.

1 DEPARTMENT INSPECTORS ARE NOT REQUIRED TO VERIFY THE ACCURACY OF THE LISTING
2 BUT THE DIRECTOR MAY REQUEST THAT FRANCHISORS OR CORPORATE OWNERS OF A CHAIN
3 RESTAURANT OR FOOD ESTABLISHMENT PROVIDE DOCUMENTATION OF THE ACCURACY OF THE
4 INFORMATION PROVIDED.

5 E. AN INDIVIDUAL CHAIN RESTAURANT OR FOOD ESTABLISHMENT THAT DOES NOT
6 LIST THE INFORMATION ON ITS MENU OR MENU BOARD OR SIGN OR THAT FAILS TO
7 PROVIDE THE ADDITIONAL INFORMATION ON REQUEST AS REQUIRED PURSUANT TO
8 SUBSECTION C IS SUBJECT TO A CIVIL PENALTY AS PRESCRIBED BY THE DEPARTMENT BY
9 RULE.

10 F. A FRANCHISOR OR CORPORATE OWNER OF A CHAIN RESTAURANT OR FOOD
11 ESTABLISHMENT THAT DOES NOT PROVIDE TO THE DEPARTMENT SATISFACTORY
12 DOCUMENTATION OF THE ACCURACY OF THE LISTED INFORMATION REQUIRED PURSUANT TO
13 THIS SECTION OR PROVIDE THE REQUIRED INFORMATION FOR THAT LISTED INFORMATION
14 TO ITS CHAIN RESTAURANTS OR FOOD ESTABLISHMENTS IS SUBJECT TO A CIVIL PENALTY
15 AS PRESCRIBED BY THE DEPARTMENT BY RULE.

16 G. FOR THE PURPOSES OF THIS SECTION, "CHAIN RESTAURANT OR FOOD
17 ESTABLISHMENT" MEANS A RESTAURANT OR FOOD ESTABLISHMENT IN THIS STATE THAT IS
18 ONE OF AT LEAST TEN SUCH RESTAURANTS OR ESTABLISHMENTS IN THE UNITED STATES
19 AND ONE OF AT LEAST FIVE SUCH RESTAURANTS OR ESTABLISHMENTS IN THIS STATE
20 DOING BUSINESS UNDER THE SAME TRADE NAME AND OFFERING PREDOMINANTLY THE SAME
21 MEALS OR FOOD AND MENUS OR MENU BOARDS.