

FIRST REGULAR SESSION

HOUSE BILL NO. 755

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRILL.

1856L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 196, RSMo, by adding thereto one new section relating to the posting of caloric content at food service establishments.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 196, RSMo, is amended by adding thereto one new section, to be known as section 196.283, to read as follows:

196.283. 1. As used in this section, the following terms shall mean:

- (1) "Covered food service establishment", a food service establishment in this state that is one of a group of fifteen or more food service establishments doing business nationally, offering for sale substantially the same menu items, in servings that are standardized for portion size and content, that operate under common ownership or control, or as franchised outlets of a parent business, or do business under the same name;
- (2) "Food item tag", a label or tag that identifies any food item displayed for sale at a covered food service establishment;
- (3) "Menu", a printed list or pictorial display of a food item or items, and their price or prices, that are available for sale from a covered food service establishment and shall include menus distributed or provided outside of the establishment;
- (4) "Menu board", any list or pictorial display of a food item or items, and their price or prices, posted in and visible within a covered food service establishment or outside of a covered food service establishment for the purpose of ordering from a drive-through window;
- (5) "Menu item", any individual food item, or combination of food items, listed or displayed on a menu board or menu that is sold by a covered food service establishment.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **2. This section shall apply to menu items that are served in portions the size and**
19 **content of which are standardized at a covered food service establishment. This section**
20 **shall not apply to menu items that are listed on a menu or menu board for less than thirty**
21 **days in a calendar year.**

22 **3. All menu boards and menus in any covered food service establishment shall bear**
23 **the total number of calories derived from any source for each menu item they list. Such**
24 **information shall be listed clearly and conspicuously, adjacent or in close proximity such**
25 **as to be clearly associated with the menu item, using a font and format that is at least as**
26 **prominent in size and appearance of that used to post the name or price of the menu item.**

27 **4. Calorie content values, in kcal, required by this section shall be based upon a**
28 **verifiable analysis of the menu item, which may include the use of nutrient databases,**
29 **laboratory testing, or other reliable methods of analysis, and shall be rounded to the**
30 **nearest ten calories for calorie content values over fifty calories and to the nearest five**
31 **calories for calorie content values of fifty calories or less.**

32 **5. When a food item is displayed for sale with a food item tag, such food item tag**
33 **shall include the calorie content value for such food item in a font size and format at least**
34 **as prominent as the font size of the name of the food item.**

35 **6. Calorie content values at drive-through windows shall be displayed on the drive-**
36 **through menu board or on an adjacent stanchion visible at or prior to the point of**
37 **ordering, so long as the calorie content values are as clearly and conspicuously posted on**
38 **the stanchion adjacent to their respective menu item names as the price or menu item is on**
39 **the drive-through menu board.**

40 **7. (1) For menu items offered in different flavors and varieties, including but not**
41 **limited to beverages, ice cream, pizza, and doughnuts, the range of calorie content values**
42 **showing the minimum to maximum numbers of calories for all flavors and varieties of such**
43 **item shall be listed on menu boards and menus for each size offered for sale; provided**
44 **however, that the range need not be displayed if calorie content information is included on**
45 **the food item tag identifying each flavor or variety of food item displayed for sale in**
46 **accordance with subsection 5 of this section.**

47 **(2) For combinations of different food items listed or pictured as a single menu**
48 **item, the range of calorie content values showing the minimum to maximum numbers of**
49 **calories for all combinations of such menu item shall be listed on menu boards and menus.**
50 **If there is only one possible calorie total for the combination, such total shall be listed on**
51 **menu boards and menus.**

✓