

ASSEMBLY BILL NO. 126—ASSEMBLYMEN FLORES;
AIZLEY, BOBZIEN, EISEN AND HEALEY

FEBRUARY 14, 2013

JOINT SPONSORS: SENATORS JONES AND WOODHOUSE

Referred to Committee on Health and Human Services

SUMMARY—Requires the disclosure of certain nutritional
information in certain chain restaurants.
(BDR 51-81)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to food; requiring certain restaurants or similar
retail food establishments to disclose certain nutritional
information about the food offered for sale by those
restaurants or establishments; providing a penalty; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under federal law, a restaurant or similar retail food establishment that: (1) is
2 part of a chain with 20 or more locations doing business under the same name and
3 offering for sale substantially the same menu items; or (2) elects to be subject to the
4 disclosure requirements, is required to disclose certain nutritional information about
5 the menu items offered for sale by the restaurant or establishment. (21 U.S.C. §
6 343(q)(5)(H)) **Section 1** of this bill requires the owner or operator of any restaurant
7 or similar retail food establishment that is part of a chain with 15 or more locations
8 doing business within this State to disclose the same nutritional information that
9 federal law requires a chain with 20 or more locations to disclose. **Section 2** of this
10 bill provides a penalty for the owner or operator of any restaurant or similar retail
11 food establishment who fails to make the required disclosure of nutritional
12 information.



* A B 1 2 6 R 1 *

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 585 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The owner or operator of a restaurant or similar retail food establishment shall comply with the requirements set forth in 21 U.S.C. § 343(q)(5)(H) and any federal regulations adopted pursuant thereto if the restaurant or similar retail food establishment:

(a) Is part of a chain with 15 or more locations doing business within this State under the same name, regardless of the type of ownership of the locations, and offering for sale substantially the same menu items;

(b) Is part of a chain with 20 or more locations doing business under the same name, regardless of the type of ownership of the locations, and offering for sale substantially the same menu items; or

(c) Elects for the restaurant or similar retail food establishment to be subject to the requirements of 21 U.S.C. § 343(q)(5)(H).

2. An owner or operator of a restaurant or similar retail food establishment who is required to comply with the requirements set forth in 21 U.S.C. § 343(q)(5)(H) and any federal regulations adopted pursuant thereto pursuant to subsection 1 shall post a notice in a conspicuous place in the restaurant or similar retail food establishment stating where a person may report any violation of this section.

3. The provisions of this section may be enforced by the health authority or the appropriate local law enforcement agency.

4. As used in this section:

(a) "Health authority" has the meaning ascribed to it in NRS 446.050.

(b) "Restaurant food" means food that is served in restaurants or other establishments in which food is served for immediate human consumption.

(c) "Restaurant or similar retail food establishment":

(1) Except as otherwise provided in subparagraph 2, means a retail establishment that offers for sale restaurant or restaurant-type food, where the establishment presents itself or has presented itself publicly as a restaurant, or a total of more than 50 percent of the gross floor area of the establishment is used for the preparation, purchase, service, consumption or storage of food; or



(2) If the term is defined in federal regulations for the purposes of 21 U.S.C. § 343(q)(5)(H), has the meaning ascribed to it in such federal regulations.

(d) "Restaurant-type food" means a type of restaurant food offered for sale but not for immediate consumption that is processed and prepared primarily in a retail establishment and not offered for sale outside of the establishment.

Sec. 2. NRS 585.550 is hereby amended to read as follows:

585.550 1. A person who manufactures, compounds, processes or packages any drug in a factory, warehouse, laboratory or other location in this state without a license required by NRS 585.245 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. *The owner or operator of a restaurant or similar retail food establishment who violates section 1 of this act is guilty of a misdemeanor and shall be punished:*

(a) For the first offense within the immediately preceding 5 years, by a fine of not less than \$50 but not more than \$500;

(b) For the second offense within the immediately preceding 5 years, by a fine of not less than \$100 but not more than \$1,000; and

(c) For the third or subsequent offense within the immediately preceding 5 years, by a fine of not less than \$250 but not more than \$2,500.

↪ For the purposes of this subsection, any number of offenses discovered in a single day constitute a single offense.

3. *In lieu of prosecution for a misdemeanor pursuant to subsection 2, the health authority, as defined in NRS 446.050, may delegate to an independent hearing officer or hearing board the authority to determine violations and levy administrative penalties in an amount not to exceed the amounts set forth in subsection 2 for violations of the provisions of section 1 of this act.*

4. A person who violates any other provision of this chapter is guilty of a gross misdemeanor.

