

Amendment No. 295

Assembly Amendment to Assembly Bill No. 126

(BDR 51-81)

Proposed by: Assembly Committee on Health and Human Services**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

AAK/RBL



Date: 4/16/2013

A.B. No. 126—Requires the disclosure of certain nutritional information in certain chain restaurants. (BDR 51-81)



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:

Under federal law, a restaurant or similar retail food establishment that: (1) is part of a chain with 20 or more locations doing business under the same name and offering for sale substantially the same menu items; or (2) elects to be subject to the disclosure requirements, is required to disclose certain nutritional information about the menu items offered for sale by the restaurant or establishment. (21 U.S.C. § 343(q)(5)(H)) **Section 1** of this bill requires the owner or operator of any restaurant or similar retail food establishment that is part of a chain with ~~14~~ **15** or more locations doing business within this State to disclose the same nutritional information that federal law requires a chain with 20 or more locations to disclose. **Section 2** of this bill provides a penalty for the owner or operator of any restaurant or similar retail food establishment who fails to make the required disclosure of nutritional information.

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~~ 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) ~~That is~~ Is part of a chain with ~~10~~ 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) ~~That is~~ 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) ~~Who elects~~ Elects for the restaurant or similar retail food establishment to be subject to the requirements of 21 U.S.C. § 343(q)(5)(H). ~~It shall ensure that the restaurant or similar retail food establishment complies with the provisions of 21 U.S.C. § 343(q)(5)(H) and shall~~

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.

~~2. For the purposes of this section and NRS 585.550, the provisions of 21 U.S.C. § 343(q)(5)(H) that apply to a restaurant or similar retail food establishment described in paragraph (b) or (c) of subsection 1 shall be deemed to apply to a restaurant or similar retail food establishment described in paragraph (a) of subsection 1.~~

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) "Similar retail food establishment" must, to the extent possible, be construed in a manner that is consistent with the provisions of 21 U.S.C. § 343(q)(5)(H) and any regulations adopted pursuant thereto.~~ "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

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

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

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

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