

Amendment No. 692

Senate Amendment to Assembly Bill No. 126 First Reprint (BDR 51-81)

Proposed by: Senate Committee on Health and Human Services**Amends:** Summary: No Title: Yes 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: 5/20/2013

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 *for a civil* 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 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 *civil* 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 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:

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

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

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

9 2. An owner or operator of a restaurant or similar retail food establishment
10 who is required to comply with the requirements set forth in 21 U.S.C. §
11 343(q)(5)(H) and any federal regulations adopted pursuant thereto pursuant to
12 subsection 1 shall post a notice in a conspicuous place in the restaurant or
13 similar retail food establishment stating where a person may report any violation
14 of this section.

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

17 4. As used in this section:

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

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

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

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

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

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

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

33 585.550 1. A person who manufactures, compounds, processes or packages
34 any drug in a factory, warehouse, laboratory or other location in this state without a
35 license required by NRS 585.245 is guilty of a category D felony and shall be
36 punished as provided in NRS 193.130.

37 2. ~~That~~ An owner or operator of a restaurant or similar retail food
38 establishment who violates section 1 of this act is ~~guilty of a misdemeanor and~~
39 ~~shall be punished;~~ liable for a civil penalty in the following amounts:

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

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

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

46 For the purposes of this subsection, any number of ~~offenses~~ violations
47 discovered in a single day constitute a single ~~offense~~ violation.

48 3. ~~In lieu of prosecution for a misdemeanor pursuant to subsection 2, the~~
49 Except as otherwise provided in this subsection, the health authority, as defined
50 in NRS 446.050, within whose jurisdiction the violation of section 1 of this act
51 occurs shall collect the civil penalty and may commence a civil proceeding for
52 that purpose. The health authority may delegate to an independent hearing
53 officer or hearing board the authority to determine violations and levy

~~administrative~~ civil 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.