



## **IMPLEMENTATION OF SB 1420: WHAT IT MEANS FOR CALIFORNIA COMMUNITIES**

In September 2008, Governor Arnold Schwarzenegger signed SB 1420 (Padilla) into law thus adding section 114094 to the State Health and Safety Code. The following is an overview of the new menu labeling law.

### **1. *To which restaurants does the law apply?***

The bill applies restaurant chains with 20 or more outlets in the state. The law describes this as “a food facility in the state that operates under common ownership or control with at least 19 other food facilities with the same name in the state that offer for sale substantially the same menu items, or operates as a franchised outlet of a parent company with at least 19 other franchised outlets with the same name in the state that offer for sale substantially the same menu items.” The bill does not apply to certain designated food facilities including school cafeterias, grocery stores, convenience stores, and farmers markets.

### **2. **What will restaurants have to do under the law?****

#### Phase #1

- By July 1, 2009, restaurants that use a menu board must provide brochures that detail the calorie, saturated fat, carbohydrate and sodium content for each standard menu item. Brochures must be available prior to or during the placement of an order.
- By July 1, 2009, restaurants that provide sit-down service must provide calorie, saturated fat, carbohydrate and sodium content for each standard menu item through any of the following:
  - In a brochure available on the table
  - On a menu next to each standard menu item
  - In the menu, under an index section that is separate from the listing of standard menu items
  - On a menu insert
  - On a table tent on the table.
- By July 1, 2009, restaurants that have a drive-thru window must notify customers at the point-of-sale that nutritional information is available upon request. They must make the nutritional information available in brochure format.

## Phase #2

- By January 1, 2011, restaurants that use a menu board must post calorie information for each standard menu item next to the item on the menu board.
- By January 1, 2011, restaurants that provide sit-down service must post calorie information for each standard menu item next to the item on the menu.
- By January 1, 2011, restaurants that use food tags must post calorie information on the food tag.
- For drive-thru window sales, restaurants must continue to provide nutritional information in a brochure format.

### **3. How will items intended for more than one person (like a large pizza) be labeled?**

By January 1, 2011, multiple serving items on menus, menu boards, or food tags must indicate how many servings the item contains and the calorie content per serving.

### **4. How will combo meals be labeled?**

By January 1, 2011, items that contain more than one component (like a burger, side dish and drink) and are listed on a menu, menu board, or food tag must indicate the minimum and maximum number of calories for the combo meal based upon all possible combinations of meal components.

### **5. What does this law mean for localities which have already passed a menu labeling ordinance or wish to pursue one in the future?**

As of January 1, 2009, no ordinance or regulation of a local government shall regulate the dissemination of nutritional information by a food facility. Any ordinance or regulation that violates this prohibition is void and shall have no force or effect.

### **6. How will this law be enforced?**

Commencing July 1, 2009, a food facility that violates this law is guilty of an infraction, punishable by a fine of not less than fifty dollars (\$50) or more than five hundred dollars (\$500), which may be assessed by a local enforcement agency. However, a food facility may only be fined once during an inspection visit.

It is our assumption that local public health departments either through their environmental health and/or nutrition sections will monitor compliance with the law.