
A BILL FOR AN ACT

RELATING TO CALORIE INFORMATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . CALORIE INFORMATION**

5 **§321-A Definitions.** As used in this part:

6 "Food service establishment":

7 (1) Means, but is not limited to, restaurants and food
8 concessions within the State that:

9 (A) Operate under common ownership or control with at
10 least fifteen other food service establishments
11 doing business nationally; or

12 (B) Operate as a franchised outlet of a parent
13 business or under the same name as at least
14 fifteen other food service establishments doing
15 business nationally; and

16 that offer for sale substantially the same menu items
17 in servings that are standardized for portion size and
18 content.



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(2) Does not include farmers markets, commissaries, licensed health care facilities, public and private school cafeterias, and vending machines.

"Food item tag" means a label or tag that identifies food items displayed for sale at a food service establishment and their prices.

"Menu" means a list or pictorial display of food items and prices.

"Menu board" means a list or pictorial display of food items and prices posted in and visible within a food service establishment or outside of a food service establishment for the purpose of ordering from a drive-through window.

"Standard menu item" means individual food items or combinations of food items listed or displayed on a menu or menu board that are sold in servings that are standardized for portion size and content.

§321-B Calorie information for menu items. (a) All menus and menu boards at a food service establishment shall provide the total number of calories for each standard menu item listed. The calorie information shall be displayed clearly and conspicuously, adjacent or in close proximity to the menu item, and in a font or format that is at least as prominent in size



1 and appearance as that used to post the name and price of the
2 menu item. The calorie information shall be visible at or prior
3 to the point of ordering.

4 (b) Standard menu items displayed for sale with a food
5 item tag shall provide the calorie information on the food item
6 tag in a font size and format at least as prominent as the font
7 size of the name and price of the food item.

8 (c) Calorie content values at drive-through windows shall
9 be displayed on either the drive through menu board, or on an
10 adjacent stanchion visible at or prior to the point of ordering,
11 so long as the calorie content values are as clearly and
12 conspicuously posted on the stanchion adjacent to their
13 respective menu item names, as the price or menu item is on the
14 drive through menu board.

15 (d) This section shall not apply to standard menu items
16 offered for sale for less than thirty days in a calendar year.

17 **§321-C Calculation of calories.** (a) Calorie content
18 values shall be based upon a verifiable analysis of the standard
19 menu item that may include the use of nutrient databases,
20 laboratory testing, or other reliable methods of analysis, and
21 shall be rounded to the nearest ten calories for calorie content



1 values above fifty calories and to the nearest five calories for
2 calorie content values fifty calories and below.

3 (b) For standard menu items offered in different flavors
4 and varieties, including but not limited to beverages, ice
5 cream, pizza, and doughnuts, the range of calorie content values
6 showing the minimum to maximum number of calories for all
7 flavors and varieties of that item shall be listed on menu
8 boards and menus for each size offered for sale; provided that
9 the range need not be displayed if the calorie information is
10 included on the food item tag identifying each flavor or variety
11 of the food item displayed for sale, in accordance with section
12 321-B.

13 (c) For combinations of different food items listed or
14 pictured as a single menu item, the range of calorie content
15 values showing the minimum to maximum number of calories for all
16 combinations of that menu item shall be listed on menu boards
17 and menus. If there is only one possible calorie total for the
18 combination, then that total shall be listed on menu boards and
19 menus."

20 SECTION 2. In codifying the new part added by section 1 of
21 this Act, the revisor of statutes shall substitute appropriate

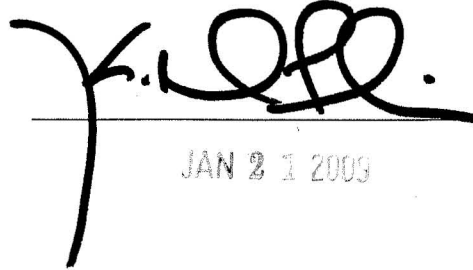


1 section numbers for the letters used in designating the new
2 sections in this Act.

3 SECTION 3. This Act shall take effect on July 1, 2009.

4

INTRODUCED BY:


JAN 21 2009



Report Title:

Food Service Establishments; Calorie Information

Description:

Requires food service establishments in the State that meet certain criteria to provide calorie information for menu items.

