

SENATE, No. 529

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

SYNOPSIS

Requires children's meals served in restaurants to meet certain nutritional standards.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning nutritional standards for children’s meals
2 served in restaurants and supplementing Title 26 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. The Legislature finds and declares that:

9 a. Over the past 30 years, the obesity rate in the United States
10 has more than doubled. According to the federal Centers for
11 Disease Control and Prevention, in 2009, nearly two-thirds, or 68.5
12 percent of American adults were overweight or obese.
13 Approximately one-third of children nationwide are overweight or
14 obese. Obese children are at least twice as likely as non-obese
15 children to become overweight or obese as adults.

16 b. In 2017, 61.9 percent of adults and 14.9 percent of children,
17 ages zero to 17, in the State of New Jersey were overweight or
18 obese.

19 c. Obesity-related health conditions have serious economic
20 costs. The medical burden of obesity in the United States is about
21 \$147 billion annually, or almost 10 percent of all medical spending.
22 Roughly one-half of these costs are paid through Medicaid and
23 Medicare and, as a result, are incurred by taxpayers throughout the
24 country. In 2018, New Jersey’s annual obesity related medical
25 expenditures were estimated at \$9.3 million.

26 d. American children consume 19 percent of their daily calories
27 at fast food and other restaurants. Studies link eating in restaurants
28 with higher caloric intakes and obesity.

29 e. Therefore, it is in the public interest to establish nutritional
30 standards for children’s meals sold at restaurants in order to reduce
31 the number of overweight and obese children, and to promote
32 healthy eating and active living among the citizens of the State.

33

34 2. As used in this act:

35 “Children’s meal” means a combination of food items or food
36 items and a beverage, sold together at a single price, primarily
37 intended for consumption by children.

38 “Restaurant” means any facility or part thereof in which food is
39 prepared and provided or served for consumption on the premises.

40

41 3. a. An owner, operator, or the proprietor of a restaurant shall
42 not sell, offer to sell, or serve a children’s meal unless the meal
43 adheres to the following nutritional standards:

44 (1) the meal shall contain no more than:

45 (a) 600 calories per serving;

46 (b) 770 milligrams of sodium;

47 (c) 35 percent of calories from fat;

48 (d) 35 percent of calories from total sugars

- 1 (e) 10 percent of calories from saturated fat; and
2 (6) 0.5 grams of trans fat;
- 3 (2) the meal shall contain at least 0.5 cups of fresh fruits or
4 vegetables, and at least one of the following:
- 5 (a) a whole grain product containing no less than 51 percent by
6 weight of a whole grain ingredient or which lists whole grains as its
7 first ingredient;
- 8 (b) a lean protein consisting of at least two ounces of meat, one
9 ounce of nuts, seeds, dry beans or peas, or one egg; or
- 10 (c) at least 0.5 cups of non-fat or one percent milk, low fat
11 yogurt, or one ounce of reduced fat cheese.
- 12 For purposes of this subsection: juices, condiments, jellies, jams,
13 or spreads shall not be considered a fruit or vegetable; and a lean
14 protein shall contain less than 10 grams of fat, 4.5 grams or less of
15 saturated fat, and less than 94 milligrams of cholesterol per 100
16 grams and per labeled serving; and
- 17 (3) if the children's meal is served with a beverage, that beverage
18 shall be:
- 19 (a) water, sparkling water, or flavored water with no added
20 natural or artificial sweetener;
- 21 (b) nonfat milk, one percent milk, or a non-dairy milk alternative
22 containing no more than 130 calories per container or serving as
23 offered for sale; or
- 24 (c) 100 percent fruit juice or fruit juice combined with water or
25 carbonated water, with no added natural or artificial sweetener, in a
26 serving size of no more than eight ounces.
- 27 b. (1) A restaurant using a standard printed menu shall list next
28 to a children's meal on the menu, the nutritional content of the meal
29 as required pursuant to subsection a. of this section, using a font
30 and format that is at least as prominent, in size and appearance, as
31 that used to post either the name or price of the children's meal.
- 32 (2) A restaurant using a menu board system or similar signage
33 shall list next to the children's meal on the board or sign, the
34 nutritional content of the meal as required pursuant to subsection a.
35 of this section.
- 36 (3) If the children's meal includes a beverage, the restaurant
37 using a standard printed menu shall also list next to the children's
38 meal on the menu, the caloric information for the beverage, using a
39 font and format that is at least as prominent, in size and appearance,
40 as that used to post either the name or price of the children's meal.
- 41
- 42 4. a. The Department of Health or the local board of health or
43 the board, body, or officers exercising the functions of the local
44 board of health according to law shall have the right to enter the
45 premises of a restaurant at which a children's meal is sold, offered
46 for sale, or served, at any time during normal business hours and
47 upon presentation of appropriate credentials, in order to determine

1 compliance with the provisions of this act, or any rule or regulation
2 adopted pursuant thereto.

3 b. The Department of Health or the local board of health or the
4 board, body, or officers exercising the functions of the local board
5 of health according to law, upon written complaint or having reason
6 to suspect that a violation of this act has occurred, shall, by written
7 notification, advise the owner, operator, or proprietor of the
8 restaurant accordingly and order appropriate action to be taken.

9
10 5. a. An owner, operator, or the proprietor of a restaurant who
11 knowingly sells, offers to sell, or serves a children's meal in
12 violation of the provisions of section 3 of this act shall be liable to a
13 civil penalty of up to \$1,000 for the first offense, up to \$2,000 for
14 the second offense, and up to \$3,000 for a subsequent offense,
15 provided that in no case shall the penalty against the owner or
16 operator of the restaurant exceed \$15,000 during a 30-day period.

17 b. Any civil penalty imposed pursuant to subsection a. of this
18 section shall be collected in a civil action by a summary proceeding
19 under the "Penalty Enforcement Law," P.L.1999, c.274 (C.2A:58-1
20 et seq.), or in any case before a court of competent jurisdiction
21 wherein injunctive relief has been requested. The Superior Court
22 and the municipal court shall have jurisdiction to enforce and
23 collect any penalty imposed for a violation of the provisions of this
24 act. Process shall be in the nature of a summons or warrant and
25 shall issue only at the suit of the Commissioner of Health or the
26 local board of health as plaintiff.

27
28 6. The Department of Health shall adopt rules and regulations,
29 pursuant to the provisions of the "Administrative Procedure Act,"
30 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of
31 this act.

32
33 7. This act shall take effect on the first day of the sixth month
34 next following the date of enactment, except that the Commissioner
35 of Health may take any anticipatory administrative action in
36 advance as shall be necessary for the implementation of this act.

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38

39 STATEMENT

40

41 This bill children's meals sold or offered for sale in restaurants
42 to adhere to certain nutritional standards outlined in the bill.

43 Specifically, a children's meal sold, offered for sale, or sold by a
44 restaurant would contain no more than: 600 calories per serving,
45 770 milligrams of sodium, 35 percent of calories from fat, 35
46 percent of calories from total sugars, 10 percent of calories from
47 saturated fat, 0.5 grams of trans fat, at least 0.5 cups of fresh fruits
48 or vegetables (fruits and vegetables would not include juices,

1 condiments, jellies, jams, or spreads), and either a whole grain
2 product, a lean protein, or at least 0.5 cups of non-fat or one percent
3 milk, low fat yogurt, or one ounce of reduced fat cheese.

4 If the children's meal is served with a beverage, that beverage
5 would be: water, sparkling water, or flavored water with no added
6 natural or artificial sweetener; nonfat milk, one percent milk, or a
7 non-dairy milk alternative containing no more than 130 calories per
8 container or serving as offered for sale; or 100 percent fruit juice or
9 fruit juice combined with water or carbonated water, with no added
10 natural or artificial sweetener, in a serving size of no more than
11 eight ounces.

12 A restaurant using a standard printed menu would be required to
13 list the nutritional content of the meal, as required pursuant to the
14 provisions of the bill, and if the meal includes a beverage, also list
15 the caloric information for the beverage, next to a children's meal
16 on the menu, using a font and format that is at least as prominent, in
17 size and appearance, as that used to post either the name or price of
18 the meal.

19 As defined in the bill, "children's meal" means a combination of
20 food items or food items and a beverage, sold together at a single
21 price, primarily intended for consumption by children, and
22 "restaurant" means any facility or part thereof in which food is
23 prepared and provided or served for consumption on the premises.

24 The Department of Health or a local board of health would: have
25 the right to enter the premises of a restaurant at which a children's
26 meal is sold, offered for sale, or served, at any time during normal
27 business hours and upon presentation of appropriate credentials, in
28 order to determine compliance with the provisions of the bill; and
29 advise the owner, operator, or proprietor of the restaurant and order
30 appropriate action to be taken, if it has reason to suspect that a
31 violation has occurred.

32 Under the bill's provisions, an owner, operator, or the proprietor
33 of a restaurant who sells, offers to sell, or serves a children's meal
34 in violation of the provisions of the bill would be liable to a civil
35 penalty not to exceed \$1,000 for a first offense, \$2,000 for the
36 second offense, and \$3,000 for each subsequent offense. Penalties
37 against an owner, operator, or the proprietor of the restaurant could
38 not exceed \$15,000 during a 30-day period.