

STATEMENT TO

SENATE, Nos. 529 and 521

with Senate Floor Amendments
(Proposed by Senator VITALE)

ADOPTED: DECEMBER 2, 2021

These floor amendments replace the term “restaurant” with “retail food establishment,” and specify that the term “retail food establishment” applies to restaurants that are part of a chain of 20 or more establishments doing business under the same trade name or common ownership or control, or that are part of a franchised outlet of a parent business. As introduced, the bill would have applied to all restaurants in New Jersey, regardless of whether they are part of a chain.

These floor amendments eliminate the requirement that children’s meals sold or offered for sale in restaurants are to adhere to certain nutritional standards, including the types of beverages that can served with the meal, and replaces it with a requirement that retail food establishments sell or offer to sell at least two children’s meals sold or offered for sale that adhere to the most recent nutrition criteria for kids’ meals provided by the National Restaurant Association in its KidsLiveWell program. If the children’s meals are served with a beverage, the default beverage is to meet the most recent default criteria provided by the National Restaurant Association in their KidsLiveWell program. In the event that the Restaurant Association updates the nutrition criteria of the KidsLiveWell program, a restaurant will have six months to comply with the program’s new criteria.

The floor amendments also eliminate the requirement that a restaurant using a standard printed menu would be required to list the nutritional content of the meal and, if the meal includes a beverage, the caloric information for the beverage, and replaces it with a requirement that a retail food establishment is to identify on all its standard printed menus which meals are KidsLiveWell meals, and provide notice that all individuals may request the nutritional content of the KidsLiveWell meals, as well as the nutritional content of default beverage, if any, included with the meals.

The floor amendments stipulate that nothing in the bill is to restrict the ability of a restaurant to sell, or the ability of a customer to purchase, a substitute beverage to replace the default beverage included with a children’s meal, if so requested by the customer.