

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 529 and SENATE, No. 521

STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED OCTOBER 8, 2020

Sponsored by:

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District 19 (Middlesex)

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District 29 (Essex)

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Senators Turner, Pou and Diegnan

SYNOPSIS

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

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Health, Human Services and Senior Citizens Committee.



(Sponsorship Updated As Of: 12/16/2020)

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

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 (f) 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
18 beverage shall be:
- 19 (a) water, sparkling water or flavored water, with no added
20 natural or artificial sweeteners;
- 21 (b) flavored or unflavored nonfat or one percent fat dairy milk,
22 or flavored or unflavored non-dairy beverage that is nutritionally
23 equivalent to fluid milk, in a serving size of eight ounces or less; or
- 24 (c) one hundred percent fruit or vegetable juice, or any
25 combination thereof, with no added natural or artificial sweeteners,
26 in a serving size of eight ounces or less. Such juice may contain
27 water or carbonated water.
- 28 b. (1) A restaurant using a standard printed menu shall list,
29 next to a children's meal on the menu, the nutritional content of the
30 meal as required pursuant to subsection a. of this section, using a
31 font and format that is at least as prominent, in size and appearance,
32 as that used to post either the name or the price of the children's
33 meal.
- 34 (2) A restaurant using a menu board system or similar signage
35 shall list, next to the children's meal on the board or sign, the
36 nutritional content of the meal as required pursuant to subsection a.
37 of this section, using a font and format that is at least as prominent,
38 in size and appearance, as that used to post either the name or the
39 price of the children's meal.
- 40 (3) If the children's meal includes a beverage, the restaurant
41 using a standard printed menu shall also list, next to the children's
42 meal on the menu, the caloric information for the beverage, using a
43 font and format that is at least as prominent, in size and appearance,
44 as that used to post either the name or the price of the children's
45 meal.
- 46
- 47 4. a. The Department of Health or the local board of health or
48 the board, body, or officers exercising the functions of the local

1 board of health according to law shall have the right to enter the
2 premises of a restaurant at which a children's meal is sold, offered
3 for sale, or served, at any time during normal business hours and
4 upon presentation of appropriate credentials, in order to determine
5 compliance with the provisions of this act, or any rule or regulation
6 adopted pursuant thereto.

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

13

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

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

31

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

36

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