
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 181 Session of
2013

INTRODUCED BY B. BOYLE, BISHOP, K. BOYLE, COHEN, FRANKEL, D.
COSTA, SANTARSIERO, CALTAGIRONE, FARINA, MURT AND YOUNGBLOOD,
JANUARY 22, 2013

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
JANUARY 22, 2013

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, in food protection, providing for menu labeling
3 requirements for chain restaurants and imposing penalties.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Chapter 57 of Title 3 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subchapter to read:

8 SUBCHAPTER C

9 MENU LABELING

10 Sec.

11 5751. Definitions.

12 5752. Menu labeling requirements.

13 § 5751. Definitions.

14 The following words and phrases when used in this subchapter
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Chain restaurant." A retail food establishment with 15 or

1 more locations, locally or nationally.

2 "Licensor." As defined in section 5702 (relating to
3 definitions).

4 "Retail food establishment." As defined in section 5702
5 (relating to definitions).

6 § 5752. Menu labeling requirements.

7 (a) Nutrition information.--A chain restaurant shall provide
8 nutrition information for all food or beverage items listed for
9 sale on menus as follows:

10 (1) The total number of calories rounded to the nearest
11 ten calories, grams of saturated fat, grams of trans fat,
12 grams of carbohydrates and milligrams of sodium, per menu
13 item as usually prepared and offered for sale shall be
14 provided adjacent to each item on the menu, in a size and
15 typeface similar to price and other information provided
16 about each menu item.

17 (2) When menu boards or food tags are used in lieu of
18 other forms of menus, the nutrition information may be
19 limited to the total number of calories per item if:

20 (i) The additional information required in paragraph
21 (1) is made available, in writing, to customers upon
22 request.

23 (ii) A sign on or near the menu board or food tag
24 states in clear and conspicuous typeface: "Additional
25 nutrition information for all menu items available upon
26 request."

27 (3) A licensor may approve a variation in the method of
28 presentation of the required nutrition information if the
29 licensor deems the method appropriate for the protection of
30 the public health and the approved method supplies the

1 required information to the consumer at the point of decision
2 making as to a food order. Until any variation is approved,
3 the chain restaurant shall comply with the requirements of
4 this section.

5 (b) Menu boards or food tags.--

6 (1) Every menu provided by a chain restaurant, or
7 written information provided pursuant to subsection (a)(2)
8 when menu boards or food tags are used, shall include, in
9 clear and conspicuous typeface:

10 (i) A statement of the current Food and Drug
11 Administration recommended limits for grams of saturated
12 fat, including trans fat, and milligrams of sodium for a
13 2,000 calorie-per-day diet.

14 (ii) The following statement: "A 2,000 calorie daily
15 diet is used as the basis for general nutrition advice;
16 individual calorie needs, however, may vary."

17 (2) Menus, menu boards or food tags may also include the
18 following, or a substantially similar statement: "This
19 nutrition information is based on standard recipes and
20 product formulations; however, variations may occur due to
21 differences in preparation, serving sizes, ingredients or
22 special orders."

23 (c) Items with different flavors and varieties.--For menu
24 items of different flavors and varieties that are listed as a
25 single item, such as soft drinks, ice cream, pizza and
26 doughnuts, the median value for calories or other nutrition
27 information for all flavors or varieties shall be listed if the
28 calorie or other nutrition information for all flavors or
29 varieties is within 20% of the median. If the calorie or other
30 nutrition information is not within 20% of the median, then the

1 range for all the flavors or varieties shall be listed. If food
2 tags are used to identify different varieties of similar items,
3 the calories per serving of each item shall be listed on each
4 food tag.

5 (d) Exceptions.--A chain restaurant shall not be required to
6 provide nutrition information for:

7 (1) Items such as specials or limited time offerings
8 that appear on menus for less than 30 days per year.

9 (2) Condiments and other items placed on a table or
10 counter for general use without charge.

11 (3) Items sold in a manufacturer's original sealed
12 package that contains nutrition information as required by
13 Federal law.

14 (4) Custom orders which do not appear on the menu, menu
15 boards or food tags.

16 (e) Delivered items.--A chain restaurant that delivers food
17 or beverage items outside of the premises in wrappers or boxes
18 shall provide the information required by this section in
19 connection with each item delivered on each wrapper and box in a
20 clear and conspicuous manner.

21 (f) Methodology.--Nutrition information must be based upon
22 analytic methods and express nutrient content in a manner
23 consistent with Food and Drug Administration regulations. A menu
24 is not in compliance with this section if any nutrition
25 information on the menu for any particular item varies by more
26 than 20% from a nutrient analysis of a representative sample of
27 the menu item.

28 (g) Penalties.--

29 (1) For chain restaurants under the jurisdiction of the
30 department, a violation of this section shall be punishable

1 by a fine of up to \$500.

2 (2) Penalties for a violation of this section shall be
3 established by the licensor for chain restaurants under the
4 jurisdiction of a licensor that is not the department.

5 Section 2. This act shall take effect in 60 days.