
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 798 Session of
2015

INTRODUCED BY DAY, FREEMAN, V. BROWN, WHEATLEY, O'BRIEN,
SCHLOSSBERG, D. COSTA, COHEN, MURT AND DeLUCA, MARCH 17, 2015

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
MARCH 17, 2015

AN ACT

1 Requiring retail food establishments to display nutritional
2 information; and imposing penalties.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Restaurant
7 Display of Nutritional Information Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Calorie content information." The total number of calories
13 per standard menu item, as that item is usually prepared and
14 offered for sale.

15 "Menu board." A posted list or pictorial display of food or
16 beverage items offered for sale by a retail food establishment.

17 "Retail food establishment." A restaurant that is part of a

1 chain with 20 or more locations nationally, doing business under
2 the same name and offering for sale substantially the same menu
3 items.

4 "Standard menu item." A food or beverage item offered for
5 sale by a retail food establishment through a menu, menu board
6 or display. The term does not include condiments, daily
7 specials, temporary menu items appearing on the menu for fewer
8 than 60 days per year or custom orders.

9 Section 3. Requirements of display.

10 (a) Scope of disclosure.--A calorie display shall satisfy
11 the following requirements:

12 (1) A retail food establishment using a standard printed
13 menu shall list next to each food or beverage item on the
14 menu the calorie content information.

15 (2) A retail food establishment using a menu board shall
16 list next to each food or beverage item on the board or sign
17 the calorie content information.

18 (3) A retail food establishment that has a drive-through
19 window shall display calorie content information either on
20 the drive-through menu board or on an adjacent stanchion
21 visible at the point of ordering.

22 (4) For menu items that come in different flavors and
23 varieties but that are listed as a single menu item, the
24 minimum to maximum numbers of calories for all flavors and
25 varieties of that item shall be listed on the menu, menu
26 board or stanchion, as applicable, for each size offered for
27 sale.

28 (5) The disclosure of calorie content information on a
29 menu, menu board or stanchion next to a standard menu item
30 that is a combination of at least two standard menu items on

1 the menu, menu board or stanchion shall, based upon all
2 possible combinations for that standard menu item, include
3 both the minimum and the maximum number of calories.

4 (6) The calorie content information shall be posted
5 clearly and conspicuously adjacent to or in close proximity
6 to the applicable menu item using a font and format that is
7 at least as prominent, in size and appearance, as that used
8 to post either the name or price of the menu item.

9 (7) Nothing in this section shall prohibit a retail food
10 establishment from providing additional nutrition information
11 to its customers for each food or beverage item listed on its
12 menu.

13 (b) Statement regarding calorie intake.--A succinct
14 statement concerning suggested daily caloric intake shall be
15 posted prominently on menus and menu boards.

16 (c) Availability of additional written nutrition
17 information.--A clear and prominent statement shall be posted on
18 menus and menu boards which states that additional written
19 nutrition information is available to consumers upon request.

20 (d) Reasonable basis.--The nutritional information and
21 calorie content information required by this section shall be
22 based upon a verifiable analysis of the menu item, which may
23 include the use of nutrient databases, laboratory testing or
24 other reliable methods of analysis.

25 Section 4. Construction.

26 The provisions of this act shall not be construed to create
27 or enhance any claim, right of action or civil liability that
28 did not previously exist under the statutes of this Commonwealth
29 or limit any claim, right of action or civil liability that
30 otherwise exists under Commonwealth statutes. This act shall not

1 be construed to preclude any food facility from voluntarily
2 providing nutritional information in addition to the
3 requirements of this act.

4 Section 5. Penalties.

5 (a) Violations.--A retail food establishment violates the
6 provisions of section 4 if the establishment:

7 (1) fails to list calorie content information as
8 required;

9 (2) fails to obtain calorie content information analyses
10 and maintain documentation of the analyses; or

11 (3) knowingly or recklessly lists on menus and menu
12 boards calorie content information that is materially
13 incorrect or misleading.

14 (b) General rule.--A proprietor of a retail food
15 establishment who violates the provisions of section 4 shall be
16 subject to a penalty of not less than \$50 or more than \$100 for
17 the first offense, and not less than \$250 or more than \$500 for
18 the second or any subsequent offense.

19 Section 6. Effective date.

20 This act shall take effect in 60 days.