

2012 -- H 7736

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LC01556
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO FOOD AND DRUGS - SANITATION IN FOOD ESTABLISHMENTS

Introduced By: Representatives McNamara, Bennett, and Naughton

Date Introduced: February 16, 2012

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 21-27 of the General Laws entitled "Sanitation in Food
2 Establishments" is hereby amended by adding thereto the following section:

3 **21-27-12. Restrictions on foods containing industrially-produced trans fats. – (a) No**
4 **foods containing industrially-produced trans fat, as defined in this section, shall be stored,**
5 **distributed, held for service, used in preparation of any menu item or served in any food service**
6 **establishment, or by any food business, or by any mobile food service unit, as defined in section**
7 **21-27-1, except food that is being served directly to patrons in a manufacturer's original sealed**
8 **package.**

9 **(b) For the purposes of this section, a food shall be deemed to contain industrially-**
10 **produced trans fat if the food is labeled as, lists as an ingredient, or has vegetable shortening,**
11 **margarine, or any kind of partially hydrogenated vegetable oil. A food with a nutrition facts label**
12 **or other documentation from the manufacturer that lists the trans fat content of the food as zero**
13 **grams per serving shall not be considered as containing industrially-produced trans fat.**

14 **(c) Labels shall be required as follows:**

15 **(1) All food service establishments, food businesses, and/or mobile food service units**
16 **shall maintain on site the original labels for all food products that:**

17 **(i) Contain fats, oils, or shortenings; and**

18 **(ii) When purchased by such food service establishments, food businesses, and/or mobile**
19 **food services, are required by applicable federal and state law to have labels; and**

1 (iii) Are currently being stored, distributed, held for service, used in preparation of any
2 menu items, or served by the food service establishment, food business, and/or mobile food
3 service unit.

4 (2) Documentation acceptable to the department of health from the manufacturers of such
5 food products, indicating whether the food products contain vegetable shortening or any kind of
6 partially hydrogenated vegetable oil, or indicating trans fat content, may be maintained instead of
7 original labels.

8 (3) If baked goods, or other food products restricted pursuant to subsection (a) of this
9 section herein, that are or that contain fats, oils, or shortenings, are not required to be labeled
10 when purchased, the food service establishment, food business, and/or mobile food service unit
11 shall obtain and maintain documentation acceptable to the department of health, from the
12 manufacturers of the food products, indicating whether the food products contain vegetable
13 shortening or any kind of partially hydrogenated vegetable oil, or indicating trans fat content.

14 (d) This section shall be implemented as follows:

15 (1) Food service establishments, food businesses, and/or mobile food service units shall
16 have six (6) months after enactment of this section to use oils, margarines, and shortenings that
17 provide zero grams trans fat per serving except for fats used in deep-frying, yeast dough, and for
18 cake batter.

19 (2) Food service establishments, food businesses, and/or mobile food service units will be
20 required to use trans fat free replacements for deep-frying, yeast dough, and cake batter within
21 eighteen (18) months of enactment of this section.

22 (3) A “grace period” will be implemented by the department of health if the agency
23 confirms that healthier oil alternatives are not available in sufficient amounts; that there is a
24 disruption in supply; or that there are late-stage operational adjustments identified by restaurants
25 and bakers.

26 (e) The department of health shall make available to food service establishments, food
27 businesses, and mobile food service units, resource materials, including brochures, practical tips
28 and information about alternatives, to enable food service establishments, food businesses, and
29 mobile food service units to reduce the amount of trans fat in foods served without substituting
30 unhealthy oils and fats.

31 (f) The department of health shall have the authority to adopt rules to carry out the
32 purposes of this section.

33 (g) The department of health may impose fines for noncompliance pursuant to section 21-
34 27-11.11.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO FOOD AND DRUGS - SANITATION IN FOOD ESTABLISHMENTS

- 1 This act would restrict the use of industrially-produced trans fat in foods prepared and/or
- 2 served by food service establishments, food businesses, and mobile food service units.
- 3 This act would take effect upon passage.

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