



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
MARGARET M. O'NEILL BUILDING
410 FEDERAL STREET, SUITE 1
DOVER, DE 19901

VOICE: (302) 739-3620
TTY/TDD: (302) 739-3699
FAX: (302) 739-6704

MEMORANDUM

DATE: January 25, 2011

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Ms. Daniese McMullin-Powell, *DMP/JP* Chairperson
State Council for Persons with Disabilities

RE: H.B. 3 [Ban on Trans Fats in Public Schools]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 3 which would prohibit public schools, including charter schools, and school districts from making available or serving food with more than 0.5 gram of artificial trans fatty acids to students in grades K through 12. The bill is identical to legislation (H.B. 60) introduced in the 145th General Assembly. A similar bill (H.B. 65) was also introduced in the 144th General Assembly. The SCPD endorsed the latter bill. Council endorses the proposed legislation and has the following observations.

Consistent with the attached excerpt from the National Council of State Legislatures (NCSL), many state and local governments are enacting bans or limits on trans fats in a variety of settings, including schools. Obesity is a national epidemic with enormous consequences. Consistent with the attached October 17, 2010 News Journal article, nearly 17% of U.S. medical costs (\$168 billion) can be linked to obesity. The attached July 13, 2010 News Journal article notes that Delaware is the 20th most obese state with a child obesity rate in excess of 13%. The attached October 8, 2009 News Journal article notes that 37% of Delaware children are either overweight or obese. The same article has an extensive description of local school initiatives demonstrating that this bill reflects best practice:

The Delmar School District also has started offering healthier choices at its concession stand. Cheeseburgers are made with lean ground beef and low-fat cheese and served on whole wheat buns. Instead of regular potato chips, baked chips and 100-calorie packs of other snacks are sold. ...

Nancy Nadel, school nurse at Red Clay Consolidated's Forest Oak Elementary, said

gearing the school toward healthier eating has been a difficult process. When she stopped allowing parents to bring in cupcakes to celebrate their children's birthdays, some complained, arguing that special occasions call for special treats. "Have you seen the cupcakes? They're like on steroids. It's way too much," she said. "And when you have 25 kids in a class, there can be several birthdays a month." Nadel suggests parents bring in fresh vegetables and a low-fat dip, fresh fruit, animal crackers or low-fat popcorn. ...

Cape Henlopen's Milton Elementary School has made changes to its classroom holiday and birthday parties, too. "At every party, you would have 100 cupcakes, brownies, chips, and soda. Everything was junk food," said Kathy Capozzoli, Milton's school nurse. Teachers now assign students with specific items to bring to holiday parties, such as carrots and celery, fruit and cheese and crackers. One baked good is allowed.

Finally, SCPD believes that childhood obesity has a direct impact on Medicaid costs. The July 13, 2010 article notes that obesity is more prevalent among the poor and minorities.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or observations on the proposed legislation.

cc: The Honorable Jack A. Markell
The Honorable Rita Landgraf
Ms. Rosanne Mahaney
Dr. Karyl Rattay
Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

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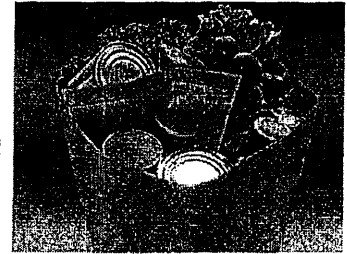
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Trans Fat and Menu Labeling Legislation

Updated October 2010

Federal Health Reform and Nutrition Labeling of Standard Menu Items at Chain Restaurants

President Obama signed the Patient Protection and Affordable Care Act, [H.R. 3590](#), on March 23rd and the Reconciliation Act of 2010, [H.R. 4872](#), on March 30, 2010. Among many prevention and public health provisions, the law establishes nutrition labeling of standard menu items at chain restaurants with 20 or more locations doing business under the same name ([Sec. 4205](#)). This includes disclosing calories on menu boards and in written form, available on request, additional information about total calories and calories from fat, amounts of fat and saturated fat, cholesterol, sodium, total and complex carbohydrates, sugars, dietary fiber, and protein. It is unclear whether menu labeling requirements enacted as part of federal health reform may preempt state and local menu labeling requirements. The Secretary must issue proposed regulations to carry out the law's requirements no later than March 23, 2011, one year after date of enactment.



Federal Menu Labeling Requirements. The U.S. Food and Drug Administration (FDA) issued a Federal Register notice on July 21, 2010, that explains how restaurants not covered by the new federal menu labeling requirements in Section 4205 of the Patient Protection and Affordable Care Act may voluntarily register to become subject to the new requirements. In general, the law covers restaurants and similar retail food establishments with 20 or more locations doing business under the same name and offering substantially the same menu items, and vending machine operators with 20 or more machines. To view the registration notice, please visit <http://www.fda.gov/menulabeling>.

News Item: Coming Soon: Theaters, airplanes to post calories
Wall Street Journal

Menu Labeling - Summary of Recent Policy

In December 2006, New York City's Board of Health approved two proposals designed to help ensure that consumers have a choice of healthier options for restaurant foods. As of July 2008, New York City's Health Department requires restaurants with standard menu items to make calorie information publicly available at the point of purchase by posting it on menus and menu boards, where consumers can see it when they order. On September 30, 2008, California became the first state to enact statewide menu labeling legislation (Senate Bill 1420) requiring restaurants with 20 or more locations in the state to disclose calorie and nutrition information in a clear and conspicuous manner, such as a readily available brochure, commencing July 1, 2009, and after January 1, 2011, to post calorie content information for standard menu items directly on menus or menu boards or with food items in display cases, as applicable. Maine, Massachusetts and Oregon have enacted menu labeling legislation in 2009, and New Jersey and Tennessee enacted legislation in 2010.

Trans Fat - Summary of Recent Policy

Consuming trans fat raises levels of LDL, or "bad," cholesterol and lowers levels of HDL, or "good," cholesterol. This can cause the arteries to become clogged and increase the risk of heart attack and stroke. As of July 2008, New York City is phasing in a ban on trans fat in all City restaurants, requiring that food items - including all margarines and shortenings - must contain less than 0.5 grams of trans fat per

serving.

In July 2008, California became the first state legislature to pass statewide legislation (Assembly Bill 97, which the governor signed into law) that would prohibit specified trans fats from being served or used in the preparation of foods in restaurants and other food facilities, commencing January 1, 2010, and any other foods containing trans fat (primarily baked goods) from being served or used to prepare restaurant foods, commencing January 1, 2011.

State Legislation for Trans Fat Bans or Restrictions

State legislation that would restrict or ban the use of trans fats is listed below, including bills proposed in 2007-2009 and enacted in 2006 through 2009. In 2008, California enacted legislation to gradually phase trans fat out of foods served in food facilities and in baked goods. Oregon, in 2009, enacted legislation to list trans fat content on menus and menu boards. Also in 2009, 13 additional states and the District of Columbia proposed legislation to protect cardiovascular health by limiting trans fat in the food supply. Some bills would impose a statewide ban on trans fat in retail food establishments or chain restaurants, other bills propose to limit or ban trans fats in foods served in school cafeterias, or to study trans fat alternatives. Some bills also propose to provide information about menu items that contain trans fat.

California

CA AB 97 (2008, enacted, Chapter No. 207) - Requires every food facility to maintain on the premises, the manufacturer's documentation or label for any food or food additive that is or includes any fat, oil, or shortening, for as long as this food or food additive is stored, distributed, or served by, or used in the preparation of food within, the food facility. Prohibits oil, shortening, or margarine containing specified trans fats for specified purposes, from being stored, distributed, or served by, or used in the preparation of any food, commencing January 1, 2010. Also prohibits any food containing artificial trans fat, from being stored, distributed, or served by, or used in the preparation of any food within, a food facility, commencing January 1, 2011.

CA SB 1498 (2008, enacted, Chapter No. 179) - Requires that as of July 1, 2009, all schools and school districts must eliminate all sources of trans fat in foods served to students through vending machines and school food service establishments. This provision includes all foods that contain artificial trans fats including vegetable shortening, margarine and any kind of partially hydrogenated vegetable oil.

CA SB 2057 (2008, enacted, Chapter No. 223) - Requires schools and school districts to provide the State Department of Education with an annual certification of compliance with the Pupil Nutrition, Health, and Achievement Act of 2001 which allocates a reimbursement of \$0.21 for free and reduced-price meals sold to or served to pupils. In order to receive the reimbursements, schools must abide by certain nutrition-related requirements including a prohibition against selling or serving food items containing artificial trans fat. Provides that the prohibitions and restrictions of this section of the law regarding school foods will apply to non-bulk USDA commodity foods either when the 2009 reauthorization of the USDA National School Lunch Program is complete or when ingredient and nutrient information is available for all USDA commodity foods, whichever is earlier.

CA SB 80, SB 132 (similar) (2007, enacted, Chapter No. 174/Chapter No. 730) - As a condition for receiving state funds for meals and food items sold as part of the free and reduced-price school meal programs, a school or school district shall not sell or serve food items containing artificial trans fat.

CA SB 490 (2007, enacted, Chapter No. 648) - Prohibits schools and school districts, through a vending machine or school food service establishment during school hours and up to 1/2 hour before and after school hours, from making available to pupils enrolled in kindergarten or any of grades 1 to 12, inclusive, a food containing artificial trans fat and prohibits the use of artificial trans fat in the preparation of a food

item served to those pupils, commencing July 1, 2009.

CA AB 86 (2007-2008, proposed) - Would have prohibited the sale in elementary, middle or high schools, of foods containing partially hydrogenated or hydrogenated vegetable oils, except to the extent that these oils are naturally occurring.

CA AB 90 (2007-2008, proposed) - Would have prohibited schools or school districts from making any food containing artificial trans fat available to pupils during school hours. Would have also prohibited the use of artificial trans fat in the preparation of a food item served to pupils.

CA AB 93 (2007-2008, proposed) - Would have prohibited any food containing artificial trans fat from being stored, distributed, or served by, or used in the preparation of any food within, a food facility. Food sold or served in a manufacturer's original, sealed package would have been exempt.

Connecticut

CT SB 258 (2007, proposed) - Would have banned the use of artificial trans fat in foods sold in Connecticut restaurants in an effort to improve food quality.

District of Columbia

DC B 132 (2009, proposed) - The Trans Free DC Act of 2009 would have prohibited the use of artificial trans fat in food service establishments and require the establishment to maintain on-site the original label for certain foods. Civil penalties will not exceed \$1,500 per offense.

Florida

FL SB 1708/HB 1015 (2008, proposed) - Would have created the Florida Healthier Child Care and School Nutrition Act requiring child care facilities and school food service programs to provide, among other things, foods that contain no trans fats as determined by United States Food and Drug Administration standards.

FL SB 2372 (2008, proposed) - Would have required schools to make public the nutritional value of meals served in the cafeteria and direct schools to serve meals low in trans fat and offer whole-wheat food products.

FL SB 406 (2007, proposed) - Would have provided nutritional standards for foods available to school children on school campuses, including a requirement that if any public elementary, middle, or high school serves fried foods, such foods must be fried in oils that are low in trans fatty acids in order to reduce the development of health abnormalities in children.

Georgia

GA HR 826 (2007, resolution adopted) - Resolution recognizes that diets high in trans fats have been statistically shown to put consumers at higher risk for critical indicators for cardiovascular disease, such as hardening of the arteries, blockage of arteries, insulin resistance, and type 2 diabetes. Creates a House study committee on trans fat alternatives to study the current use of trans fats in Georgia's food industry and public school system, and to examine the feasibility of state-wide restrictions on the use of artificial trans fats and products that contain them in public schools and restaurants.

Hawaii

HI SB 1297 (2009, proposed) - Would have established the heart healthy working group within the Department of Health to develop a plan to eliminate or reduce the use of trans fats in Hawaii's food preparation and food service industry.

HI SCR 175 (2008, proposed) - Would direct the Department of Education and the Hawaii public school food service to submit a report on nutritionally-sound public school menus with vegetarian options that use more fresh fruits, vegetables and whole

grains and minimize trans fat no later than twenty days prior to the 2009 Regular Session.

HI HB 1797, SB 1973 (2007, proposed) - Would prohibit foods containing artificial trans fat from being used in the preparation of any menu item, or served in any food service establishment. Would take effect July 1, 2008 for cooking oils, shortening, and margarines, and on July 1, 2009, for all other foods containing artificial trans fat.

HI HCR 311 (2007, resolution adopted) - Resolution requests the state's department of health to determine the feasibility of reducing or eliminating the use of trans fat in food preparation and food service by Hawaii's restaurant industry.

Illinois

IL HB 990/ IL S 102 (2009) - Would require the State Board of Education to adopt rules for the elimination of vegetable oils containing trans fats in foods served in public school cafeteria's beginning on July 1, 2010 and for the elimination of all foods containing trans fats from public schools beginning on July 1, 2011. Fiscal Note Act may apply.

IL SB 2858 (2008, proposed) - Would require the State Board of Education to adopt rules for the elimination of vegetable oils containing trans fats in foods served in public school cafeterias beginning on July 1, 2009 and for the elimination of all foods containing trans fats from public schools beginning on July 1, 2010, which ban would include all foods sold as part of the school breakfast and lunch programs under the School Breakfast and Lunch Program Act, foods sold in vending machines on school grounds, and competitive foods sold during school hours.

IL HB 1264 (2007, proposed) - Would create the Artificial Trans Fat Restriction Act providing that no foods containing artificial trans fat shall be stored, distributed, held for service, or used in the preparation of any menu item or served in any food service establishment or by any mobile food unit commissary except food that is being served directly to patrons in a manufacturer's original sealed package.

Indiana

IN SB 111 (2006, enacted, Public Law 54-2006) - Covers student nutrition and physical activity. Requires the department of education to provide information concerning health, nutrition, and physical activity. Requires that at least 50 percent of food items sold in schools to qualify as "better food choices" and, among other definitions, specifies that better food choices are those in which (A) Not more than thirty percent (30%) of their total calories are from fat. (B) Not more than ten percent (10%) of their total calories are from saturated and trans fat. (C) Not more than thirty-five percent (35%) of their weight is from sugars that do not occur naturally in fruits, vegetables, or dairy products. Provides that the requirements do not apply after school hours or to fundraisers.

Louisiana

LA HCR 200 (2008, resolution adopted) Urges and requests the Department of Health and Hospitals and the Board of Elementary and Secondary Education to study the feasibility and advisability of prohibiting food or snacks containing trans fat from being made available or served to students at public elementary and secondary schools.

LA HB 1261 (2008, proposed) Would prohibit public elementary and secondary schools, beginning in the 2009-2010 school year, from serving any food or snacks containing trans fats during school hours or on school grounds.

Maryland

MD HB 567 (2009, proposed) - Would have prohibited the use of artificial trans fat in food service establishments and require the establishment to maintain on-site the original label for certain foods.

MD HB 81 (2008, proposed) - Would establish a Task Force to Study the Regulation of Artificial Trans Fat which would be required to submit a report to specified committees on or before February 1, 2009 that offers recommendations for a program to regulate artificial trans fat including methods to eliminate trans fats from foods prepared in food service establishments, outreach efforts to educate food service establishments on appropriate substitutes and any other recommendations that the task force deems necessary to regulate artificial trans fats.

MD HB 91 and SB 504 (similar) (2007, proposed) - Would have prohibited food service facilities from using food containing artificial trans fat for specified purposes; except for foods served directly to patrons in the original sealed package. Would require food service facilities to maintain on-site the original label for specified food under specified circumstances.

MD SB 633 (2007, proposed) - Would have prohibited public schools, public institutions of higher education, and State-owned or State-operated food establishments from storing, distributing, holding for service, using in preparation of any menu items, or serving food containing artificial trans fat.

Massachusetts

MA HB 3595 (2009, proposed) - Would have prohibited foods containing artificial trans fat from being stored, distributed, held for service, used in preparation of any menu item served by common suppliers unless item is being served directly to patrons in a manufacturer's original sealed package. A person who violates any rule or regulation adopted by the Department of Public Health would be punished by a fine of not less than \$25 and not more than \$1,000.

MA HB 4346 (2007, proposed) - Would prohibit the storage, distribution or use of foods containing or prepared using artificial trans fats by a common suppliers unless item is served directly to the patrons in the original sealed package complete with nutrition facts.

MA HB 2147 (2007, proposed) - Would restrict trans fat in foods by providing that no foods containing artificial trans fat be stored, distributed, held for service, used in preparation of any menu item or served by a common suppliers, except food that is being served directly to patrons in a manufacturer's original sealed package. Would define foods as containing artificial trans fat if the food is labeled as, lists as an ingredient, or has vegetable shortening, margarine or any kind of partially hydrogenated vegetable oil, except for foods whose nutrition facts label or other documentation from the manufacturer lists the trans fat content of the food as less than 0.5 grams per serving.

Michigan

MI SB 595 (2007, enacted, Chapter No. 114) - A food service establishment may, but is not required to, provide on the selection information, so that it is publicly available, a statement regarding the presence or lack of artificial trans fat in any food served by the food service establishment.

MI HB 4195 and HB 4196 (2007, proposed) - Would prohibit food service establishments (HB 4195 covers only those establishments with 20 or more locations in the state) from storing, distributing or preparing foods containing artificial trans fats, except for foods being served directly to customers in the manufacturers original sealed package. Would phase in effective dates of July 1, 2007 for oils, shortenings and margarines used in frying or spreads, July 1, 2008 for oils or shortenings used for deep frying of yeast dough or cake batter and all other trans fats. Would require food service establishments to maintain original labels or other documentation of the contents of foods containing fats, oils or shortenings.

Mississippi

MS SB 2033/S 2063 (2009, proposed) - Would have required every food facility issued a permit by the State Department of Health to maintain on the premises the label for any food or food additive that is, or includes any fat, oil or shortening and would have prohibited storing and distribution of trans fats. Violations would have been punishable by a fine of not less than \$25 or more than \$1,000.

MS HB 732 (2007, proposed) - Would, among other provisions, require schools to eliminate any non-naturally occurring trans fatty acids in food items and reduce the amount of and, whenever possible, eliminate saturated fat in food items, and reduce the amount of sugar and sodium in food items.

Missouri

MO HB 1294 (2007, proposed) - Would have prohibited artificial trans fat in all school foods, including food sold in vending machines.

New Hampshire

NH LSR 846 (2006-2007, proposed) - Would prohibit the use of trans-fats in the preparation of foods consumed in restaurants and school cafeterias.

New Jersey

NJ SB 1218 (2007, enacted, Public Law 2007, Chapter 45) - Establishes certain nutritional restrictions on foods and beverages served, sold or given away to pupils in public and certain nonpublic schools." Among its provisions, the new law states: "Schools shall reduce the purchase of any products containing trans fats beginning September 1, 2007."

NJ SB 2265 (2006-2007, proposed) - Would prohibit the use of artificial trans fats in food prepared and served in restaurants.

New Mexico

NM HM 87 (2007, enacted, signed by governor) - This House Memorial requests the environmental improvement board to join with the New Mexico restaurant association to study ways to identify the trans fat content in restaurant food and to convey this information to customers; and that the environmental improvement board be requested to develop workable guidelines for the restaurant industry on ridding foods of trans fat and on recommended limits of trans fat content.

NM HB 1203 (2007, proposed) - Would have required restaurants to post calorie information, including the proportion of trans fat per serving for every standard menu item at the point of purchase on a menu or menu board, so that a diner could see it while or prior to ordering. Would also have required restaurants to limit the use of a trans fat, including that in margarine and shortening, to one-half gram of trans fat per serving.

New York

NY AB 2514 (2009, proposed) - Would have prohibited restaurants from selling foods containing trans fats and would have required the posting of calorie, fat and sodium content in food items sold.

NY AB 6318 (2009, proposed) - Would have authorized the commissioner of health to develop a plan for voluntary reduction or elimination in the use of trans fat in various food service providers. Such program shall consist of two main components: a public information campaign and a protocol for voluntarily reducing or eliminating the use of trans fats in foods. Would have required the commissioner of health, in consultation with the commissioner of education, to include in the Department of Health's annual report not later than December 31, 2010, a report assessing the success of the voluntary trans fat reduction or elimination program.

NY AB 7194/NY S 3572 (2009, proposed) - Would have required food service

establishments to post a warning when trans fat is used in some or all of their food preparation. Violations would be punishable by a fine of not more than \$500 for the first offense and would be waived if violation is corrected within 72 hours. A second offense would be punishable by fine of not more than \$1,000.

NY SB 1471 (2009, proposed) - Would have established the Children's Access to Healthy Meals program (CHAMP) to assist schools in implementing nutritional standards for all food and beverages that are sold within schools outside of the National School Lunch and Breakfast programs.

NY SB 7733 (2008, proposed) - Would prohibit restaurants and food establishments from serving foods containing artificial trans fat, to be regulated by the Commissioner of Health.

NY AB 1192 (2007, proposed) - Would prohibit restaurants from selling food items containing trans fats; and require notice of calorie, fat and sodium content to the public in menus and/or menu boards.

NY SB 4348/AB 8327 (similar) (2007, proposed) - Would direct the Department of Health to create a voluntary trans fat reduction or elimination program. The department would develop information, methods and protocols for the voluntary reduction or elimination of the use of trans fats in restaurants, schools, hospitals, adult homes and child day care centers.

NY SB 4347/AB 8328 (similar) (2007, proposed) - Would authorize the Commissioner of Health to restrict or eliminate the use of trans fat in foods served in establishments under the Department of Health's jurisdiction. This would include meals prepared on-site and subcontracts for meals to clients, patients, and patrons.

NY SB 4775 (2007, proposed) - Relates to nutritional standards in public schools. Includes a provision to limit the trans and saturated fat content of foods served in schools to no more than 10 percent of the total calories.

NY AB 8642/AB 8698 (similar) (2007, proposed) - Would establish the "healthy schools act" to include a provision to eliminate trans fat from all school meals and snacks.

NY AB 8743/SB 5892 (similar) (2007, proposed) - Would establish the Children's Healthy Access to Meals program (CHAMP) to set statewide nutrition standards for all food and beverages sold to students, including a reduction in consumption of foods high in total fat, trans fat, saturated fat and sugar.

North Carolina

NC HB 2436 (2008, enacted, Chapter No. 107) - The State Board of Education, in direct consultation with a cross section of local directors of child nutrition services, shall establish statewide nutrition standards for school meals, a la carte foods and beverages, and items served in the After School Snack Program administered by the Department of Public Instruction and child nutrition programs of local school administrative units. The nutrition standards will promote gradual changes to increase fruits and vegetables, increase whole grain products, and decrease foods high in total fat, trans fat, saturated fat, and sugar. The nutrition standards adopted by the State Board of Education shall be implemented initially in elementary schools. All elementary schools shall achieve a basic level by the end of the 2009-2010 school year.

NC HB 1473 (2007, enacted, Chapter No. 323) - The State Board of Education, in direct consultation with a cross section of local directors of child nutrition services, shall establish statewide nutrition standards for school meals, a la carte foods and beverages, and items served in the After School Snack Program administered by the Department of Public Instruction and child nutrition programs of local school administrative units. The nutrition standards will promote gradual changes to increase

fruits and vegetables, increase whole grain products, and decrease foods high in total fat, trans fat, saturated fat, and sugar. The nutrition standards adopted by the State Board of Education shall be implemented initially in elementary schools. All elementary schools shall achieve a basic level by the end of the 2008-2009 school year.

Ohio

OH SB 24 (2009, proposed) - Would have established nutritional standards for food and beverages sold in vending machines in public schools.

OH HB 456 (2008, proposed) - Includes a provision to prohibit schools from serving foods or beverages containing or prepared using foods containing artificial trans fat, to be effective one year after the effective date of the amendment.

OH HB 393 (2007, proposed) - Would prohibit the use of trans fats by food service operations and certain retail food establishments.

OH HB 254 (2007, proposed) - Would create the Child Wellness Advisory Council to establish nutritional standards for certain foods and beverages sold in public and chartered nonpublic schools and require schools to implement local wellness policies. Includes a provision requiring the Center for Healthy Weight and Nutrition at Columbus Children's Hospital to assess the amount of calories, total fat, saturated fat, trans fat, sugar, and other nutritional values for food items served in schools.

Oregon

OR HB 2726 (2009, enacted, Section 1. ORS 336.423) - Requires chain restaurants to disclose certain nutritional information regarding menu items and post total calorie information in specified manners and locations, including trans fat. Directs the Department of Human Services to adopt rules to administer and enforce the requirements and directs the department to create an exception for drive-through areas under specified circumstances.

OR HB 2650 (2007, enacted, Chapter 455) - Among other provisions specifying school food standards, prohibits the sale of snack items at school that contain more than 0.5 grams of trans fat per serving.

OR SB 987 (2007, proposed) - Would prohibit restaurants and mobile units from storing, using, preparing, distributing or offering food containing artificial trans fat, with specified exceptions. Would require restaurants and mobile units to maintain labels or documentation for food that contains fats, oils or shortening. Would establish a civil penalty for violations, not to exceed \$1,000. Would apply to margarine, cooking oils and shortening on or after July 1, 2008, and to other food on or after January 1, 2009.

Rhode Island

RI HB 5072 (2007, resolution adopted, Chapter No. 274) - Requests the state department of health to create and incentive program to encourage the voluntary elimination of trans fat in retail food establishments.

RI SB 113/HB 5072 (2007, proposed) - Would restrict the use of artificial trans fat in foods prepared and/or served by food businesses and food service establishments. The proposed restrictions would take effect on July 1, 2007 with respect to cooking oils, shortening, and margarines containing artificial trans fat, and on July 1, 2008 would apply to all other foods containing artificial trans fat.

South Carolina

SC SB 50 (2009) - Would have required that a retail food establishment selling food containing trans fat or cooked in trans fat provide warnings that the food contains trans fat. Would have given the Department of Health and Environmental Control is given the right to adopt rules and regulations regarding these warnings and to issue

penalties for a violation.

SC SB 301 (2007, proposed) - Would prohibit retail food establishments from preparing, serving or otherwise providing food containing trans fats and would require the department of health and environmental control to ascertain the use of trans fats when inspecting retail food establishments and would provide a civil fine for violations.

Tennessee

TN HB 51 (2009, proposed) - Would have prohibited foods containing artificial trans fat, as defined in this section, shall be stored, distributed, held for service, used in preparation of any menu item or served in any food service establishment or by any quick fast food establishment. Would have required food service establishments and quick fast food establishments to maintain on site the original labels for all food products. Would have phased-in compliance by July 1, 2010 and provided penalties for violations.

TN HB 767/TN SB 823 (2009) - Would have prohibited foods containing artificial trans fat from being stored, distributed, held for service, used in preparation of any menu item or served in any school nutrition program, except food being served directly to patrons in a manufacturer's original sealed package. Would have required school nutrition programs to maintain on site the original labels for all food products. Would have phased-in effective dates by July 1, 2010.

TN SB 154/TN HB 72 (2007, proposed) - Both bills would ban use of artificial trans fat by food service establishments.

TN SB 1429 (2007, proposed) - Would ban foods containing artificial trans fat in school nutrition programs, except for foods being served directly to patrons in the manufacturer's original sealed package. Would take effect on July 1, 2007, with respect to oils, shortenings and margarines containing artificial trans fat that are used for frying or in spreads; and on July 1, 2008 for oils or shortenings used for deep frying of yeast dough or cake batter, and all other foods containing artificial trans fat.

Texas

TX HB 1523/TX SB 204 (2009) - Would have prohibited food service establishments from preparing, packaging, storing, or serving foods containing trans fat except for a packaged food served in an original package with a label indicating that the food has a trans fat content of less than 0.5 grams per serving.

TX SB 34 (2007, proposed) - Would, among other nutrient content standards, prohibit schools from serving food items that contain excessive amounts of fat.

Vermont

VT HB 887 (2008, enacted, Chapter No. 203) - Requires the Vermont department of health, in collaboration with the Vermont hospitality council, the American Heart Association, and representatives of the food service industry in Vermont, to develop proposed labeling that will inform consumers of healthy nutrition choices in food service facilities, including the presence of trans fats. The department of health shall also recommend methods for making Vermont free of artificial trans fats in prepared foods by 2011. The department of health shall make recommendations in a consolidated report on healthy living initiatives to the senate committee on health and welfare and the house committees on health care and on human services no later than January 15, 2009.

VT SB 315/HB 762 (similar) (2008, proposed) - Relates to nutritional standards for food and beverages sold on schools grounds. Would limit the saturated and trans fat content of foods and beverages sold in schools to less than 10 percent of the total calories in an item, among other provisions.

VT HB 647 (2008, proposed) - Would have banned the use of artificial trans fat by food service establishments in Vermont.

VT SB 130 (2007, proposed) - Proposed to ban the use of artificial trans fat at food service establishments in Vermont beginning July 1, 2007.

Virginia

VA SB 1197 (2007, proposed) - Would have required the Superintendent of Public Instruction to develop guidelines to gradually eliminate foods containing trans fatty acids from public schools.

Washington

WA SB 5857 (2009, proposed) - Beginning July 1, 2010, would have prohibited food establishments operating under a permit issued by a local public health officer from serving food containing artificial trans fat. Would have applied to food served directly to patrons in a manufacturer's original sealed package or any food served in a school. Would have required food establishments to maintain on-site the original labels for all food products containing fats, oils, or shortenings.

West Virginia

WV HB 2588 (2009) - Would have permitted only healthy beverages and healthy and nutritional snacks in the county school system.

WV HB 4051/SB 222 (similar) (2008, proposed) - Would establish that only healthy beverages and food items may be sold in the county school system. Would limit fat content to no more than 35 percent of total calories, saturated fat to less than 10 percent of total calories, and trans fat to less than or equal to 0.5 grams per product package.

Also, as of August 2008, legislation related to requiring restaurants to list the trans fat content of menu items and other nutritional information for foods served in chain restaurants has been proposed in at least 28 states and Puerto Rico since 2003, as listed below.

Amends the Pupil Nutrition, Health, and Achievement Act of 2001 which reimburses schools \$0.21 for free and reduced-price meals sold or served to pupils. Requires schools to submit an annual certification of compliance to the State Department of Education certifying that meals served in the schools comply with the specified nutrition-related prohibitions and requirements, including a prohibition against selling or serving any food items containing artificial trans fat.

President Obama signed the Patient Protection and Affordable Care Act, H.R. 3590, on March 23rd and the Reconciliation Act of 2010, H.R. 4872, on March 30, 2010. Among many prevention and public health provisions, the law establishes nutrition labeling of standard menu items at chain restaurants with 20 or more locations doing business under the same name (Sec. 4205). This includes disclosing calories on menu boards and in written form, available on request, additional information about total calories and calories from fat, amounts of fat and saturated fat, cholesterol, sodium, total and complex carbohydrates, sugars, dietary fiber, and protein.

State Legislation for Menu Labeling or Nutrition Information - 2003-2009

Five states California (2008), Maine, Massachusetts and Oregon (2009), New Jersey and Tennessee (2010), have enacted menu labeling legislation. Many other states D.C. and territories had legislative proposals in 2003, 2004, 2005, 2006, 2007 or 2008 related to nutrition information or menu labeling for nutrition or calorie information:

Arizona

AZ SB 1436 (2007, proposed) - Would require chain restaurants to list nutritional information on menus and menu boards in a conspicuous manner, including calories, saturated fat, trans fat, carbohydrates and sodium.

Arkansas

AR HB 1823 (2005, proposed) - Would have limited restaurant liability for obesity claims if nutrition information, including trans fat content, was provided on restaurant menus or menu boards.

California

CA SB 1420 (2008, enacted, Chapter 600, Statutes of 2008) - Commencing July 1, 2009, requires each food facility with more than 20 locations in the state and meeting specific criteria to provide nutritional information including caloric count, grams of carbohydrates, saturated fat and trans fat, and milligrams of sodium for each standard menu item in a clear and conspicuous manner, such as a readily available brochure. In addition, commencing January 1, 2011, requires food facilities with more than 20 locations in the state to post calorie content information for standard menu items directly on menus or menu boards or with food items in display cases, as applicable. Also requires every brochure provided under this law to include the statement: "Recommended limits for a 2,000 calorie daily diet are 20 grams of saturated fat and 2,300 milligrams of sodium."

CA AB 2057 (2008, enacted, Chapter 223, Statutes of 2008) - Requires schools and school districts to provide the State Department of Education with an annual certification of compliance with the Pupil Nutrition, Health, and Achievement Act of 2001 which allocates a reimbursement of \$0.21 for free and reduced-price meals sold to or served to pupils. In order to receive the reimbursements, schools must abide by certain nutrition-related requirements including a prohibition against selling or serving food items containing artificial trans fat. Provides that the prohibitions and restrictions of this section of the law regarding school foods will apply to non-bulk USDA commodity foods either when the 2009 reauthorization of the USDA National School Lunch Program is complete or when ingredient and nutrient information is available for all USDA commodity foods, whichever is earlier.

CA AB 2572 (2008, proposed) - Would require a retail food facility to list nutrition information for each standard food item including total calories, total fat, saturated fat, trans fat, carbohydrates and sodium content. The information must be available on a menu or brochure at the point of sale prior to or during the placement of the order.

CA SB 120 (2007, proposed) - Would require each food facility in the state that is part of a chain, as defined, to provide nutritional information that includes the total number of calories per item on menu boards and, except when the facility only uses a menu board, the total number of calories, grams of saturated fat plus trans fats, and milligrams of sodium per item on printed menus.

CA SB 1171 (2004, proposed) - Would have required fast food and other chain restaurants with 10 or more locations in California to post nutrition information for all standard menu items on menus and menu boards. For printed menus, the bill would have required listing total number of calories, grams of saturated plus trans fat, and milligrams of sodium per serving.

Connecticut

CT SB 686 (2007, proposed) - Would require chain restaurants with 10 or more locations nationally to list nutritional information for all standard menu items. On printed menus, required information would include total number of calories, saturated fat, trans fat, carbohydrates, and sodium.

CT SB 168/HB 1579 (similar) (2005, proposed) - Would have required restaurants and other food establishments with 10 or more locations nationally to list nutritional information for all standard menu items. On printed menus, required information would have included total number of calories, saturated fat plus trans fat, carbohydrates, and sodium.

District of Columbia

D.C. B15-0387/B-16-0495 (2003/2005, proposed) - Would have required restaurants, which are part of a chain having 10 or more locations nationally, to provide nutrition information for standard menu items as usually prepared and offered for sale. On printed menus, required information would have included calories, saturated plus trans fat, carbohydrates, and sodium.

Georgia

GA HB 1303 (2008, enacted, Act No. 504) - Prohibits any county board of health or political subdivision of the state including municipalities, county and local government authorities, boards, and commissions from regulating the display of food nutrition information at food service establishments.

Hawaii

HI HB 54 (2007, proposed) - Would require retail franchise restaurants to make nutritional information for foods items sold available to consumers in an easily accessible brochure, booklet or kiosk, including calories, saturated fat, trans fat, carbohydrates, sodium, protein and sugar.

HI SB 1098/HB 1579 (2005, proposed) - Would have required a retail food establishment that is part of a franchise comprised of 10 or more establishments to list nutritional information for all standard menu items. On printed menus, required information would include total number of calories, saturated fat plus trans fat, carbohydrates, and sodium.

Illinois

IL HB 389 (2007, proposed) - Would require restaurants and similar retail food establishments with 10 or more locations nationally to list nutritional information for all standard menu items. On printed menus, required information would include total number of calories, saturated fat plus trans fat, carbohydrates, and sodium.

IL HB 1297 (2007, proposed) - Would create the Trans Fat Disclosure Act that would provide that a restaurant or similar retail food establishment must mark any food containing 0.5 grams or more of trans fat with a label on its menu stating that the food contains trans fat. Would provide that this requirement applies only to restaurants and similar retail food establishments with \$20 million or more in annual gross sales. Would require the Department of Public Health to adopt rules to administer and enforce the Act.

IL HB 249/SB 520 (2005, proposed) - Would have required restaurants and similar retail food establishments with 10 or more locations nationally to list nutritional information for all standard menu items. On printed menus, required information would have included total number of calories, saturated fat plus trans fat, carbohydrates, and sodium.

Iowa

IA SB 2158 (2008, proposed) - Would require food service establishments to list on all standard menus nutrition information including total calories, grams of saturated and trans fat, grams of carbohydrates and milligrams of sodium per serving of each standard menu item. Menu boards must list the total number of calories per serving next to the name or price of each food item. In addition, menus and menu boards must contain a statement regarding the recommended nutritional requirements for a balanced and healthy diet.

Indiana

IN HB 1361 (2008, proposed) - Would require a food establishment with ten or more locations within the state to make nutrition information available to customers for every food item listed for purchase, including total calories, grams of total fat, saturated fat, trans fat, cholesterol, carbohydrates, fiber, sugars and proteins, as well as milligrams of sodium content. Information would be required to be available to customers at point of purchase.

Kentucky

KY SB 211 (2008, proposed) - Would require food service establishments identified with chain restaurants of more than 20 locations in the Commonwealth to provide dietary information for all food and drink items sold on menus and menu boards. Nutritional information would include total calories, grams of saturated fat, trans fat and carbohydrates, and milligrams of sodium per serving.

Louisiana

LA HB 509 (2008, proposed) - Would require food service establishments selling food containing trans fats to disclose that information on the menu, menu board or other similar sign, accompanied by a warning statement about the health risks associated with trans fats. The Department of Health and Hospitals would be responsible for developing a uniform warning statement for use by all food service establishments.

Maine

ME HB 878 (2009, enacted, signed by Governor) - Would require a chain restaurant, which is a restaurant with 15 or more restaurants nationwide, to provide accurate calorie information on its menus, menu boards and food display labels for the food and beverage items it regularly sells. The bill also requires a chain restaurant to state on its menu and menu boards: "To maintain a healthy weight, a typical adult should consume approximately 2,000 calories per day; however, individual calorie needs may vary." This bill allows a chain restaurant to state on its menu and menu boards: "Nutrition information is based upon standard recipes and product formulations; however, modest variations may occur due to differences in preparation, serving sizes, ingredients or special orders."

ME LD 110 (2005, proposed) - Would have required any restaurant with 20 or more locations under the same

name nationwide to display calorie information for all standard food and drink items sold on menu boards, menus, and packaging (wrappers and boxes used to deliver food to customers). Calorie information would be printed in the same size, arrangement, and typeface as other menu information. Establishments that do not have menus would have been required to display at least one menu board listing calorie information that could be read from 12 feet away. The bill also instructed the Department of Human Services, Bureau of Health to adopt rules regarding display of nutrition information in all restaurants within the state.

Massachusetts

State Sanitary Code, Chapter X: 105 CMR 590.000 (2009) - Approved by the Public Health Council the proposed amendments to the State Sanitary Code, Chapter X: Minimum Sanitation Standards for Food Establishments add requirements for defined food establishments to post calorie information for food items on menus, menu boards and food tags. This new regulatory requirement is a major component of the Department's overall effort to address the continued rise in the prevalence of overweight and obesity in Massachusetts.

MA SB 1290 (2007, proposed) - Would require a restaurant or food establishment with more than ten locations nationally operating under the same trade name, to provide nutritional information for all standard items listed on the menu including calories, grams of saturated fat, trans fat and carbohydrates, and milligrams of sodium per serving listed legibly next to each corresponding item. Total calories must be placed next to each corresponding item on all menu boards with all other nutritional information available upon request.

MA HB 467 (2007, proposed) - Would require public schools to post nutrition information next to or on all vending machines on school property. The information would include posters or charts with the information provided on the package of all products inside the machines including grams of fat, sugar content, total calories and other relevant information to help students understand the nutrition value of vending machine products sold in schools.

MA HB 2051 (2007, proposed) - Would impose fines for use of trans fatty acids in the preparation of foods to be sold at hotels or restaurant to guests or patrons thereof, without notifying same; and would require printed notices on all menus or signs listing menu items.

MA SB 160 (2004, proposed) - Would have required all restaurants, including take-out facilities and catering businesses serving food in Massachusetts to post in an easily visible location or otherwise make available upon request menu boards that display nutritional information on all food and beverage products sold for consumption either on the premise or as take-away items. Required information would have included total number of calories, grams of saturated fat plus trans fat, grams of carbohydrates, and milligrams of sodium.

Michigan

MI HB 4194 (2007, proposed) - Would have required food establishments to indicate which foods sold in the establishment contain artificial trans fats and to include a warning on menus and table tents highlighting the dangers of consuming trans fats. The Department of Health would have been required to develop the text for the warning label by July 2007 and restaurants would have been called to implement these changes by October 2007.

New Jersey

NJ SB 2905, Chapter No. 2009-306 (2010, enacted) - Requires chains with 20 or more locations nationally to display the number of calories for all items sold on all drive-thru and indoor menu boards. Menus must also include average calorie content for alcoholic beverages. Restaurants will be fined by state or local health departments between \$50 and \$100 for first offense, and \$250 and \$500 for second and subsequent offense.

NJ AB 1407 (2008, proposed) - Would require retail food establishments to list nutritional values of all foods and beverages listed for sale on a standard menu including total calories, grams of saturated fat, trans fat and carbohydrates, and milligrams of sodium per serving. Menu boards would be required to carry total caloric content of all items listed.

NJ SB 2264 (2006-2007, proposed) - Would require retail food establishments to list in a clear and conspicuous manner adjacent to each food or beverage item on a standard printed menu, the total number of calories, grams of saturated and trans fat, grams of carbohydrates and milligrams of sodium, per serving, as usually prepared and offered for sale. Would require restaurant menu boards or similar signage to list adjacent to each food or beverage item on the board or sign, the total number of calories per serving and restaurants to provide information about saturated and trans fat, carbohydrates and sodium content to a customer upon request.

NJ AB 3064 (2004, proposed) - Would have required retail food establishments with 20 or more locations in New Jersey to list nutritional information for all standard food and beverage items sold. On printed menus, required information would have included total number of calories, saturated fat plus trans fat, carbohydrates, and sodium per

serving. On menu boards, the total number of calories per serving would be listed adjacent to each item, and information about saturated fat and trans fat, carbohydrates, and sodium would be made available to customers upon request.

New Mexico

NM HB 1203 (2007, proposed) - Would have required restaurants to post calorie information, including the proportion of trans fat per serving for every standard menu item at the point of purchase on a menu or menu board, so that a diner could see it while or prior to ordering. Would also have required restaurants to limit the use of a trans fat, including that in margarine and shortening, to one-half gram of trans fat per serving.

New York

NY AB 9831 (2008, proposed) - Would require certain restaurants and food establishments to post the caloric value, carbohydrate, fat and sodium content per serving.

NY AB 729/SB 3780 (similar) (2007, proposed) - Would require certain restaurants and food establishments to post the caloric value, carbohydrate, fat, including saturated fat and trans fat, and sodium content per serving.

NY AB 1192/SB 3831 (similar) (2007, proposed) - Would prohibit restaurants from selling food items containing trans fats; and require notice of calorie, fat and sodium content to the public in menus and/or menu boards.

NY SB 3787 (2007, proposed) - Would require chain restaurants and food establishments to list nutrition information next to the corresponding food or beverage item on a standard printed menu, including total calories, grams of saturated fat, trans fat and carbohydrates, and milligrams of sodium per serving. Menu boards would be required to carry caloric content for all items listed.

NY AB 5664/SB 4551 (similar) (2005, proposed) - Would have required chain restaurants with 10 or more locations nationally and 5 or more locations in New York State to list nutrition information for all standard menu items. On printed menus, required information would include total number of calories, saturated and trans fat, carbohydrates, and sodium per serving. On menu boards, the total number of calories per serving would be listed adjacent to each item, and information about saturated fat and trans fat, carbohydrates, and sodium would be made available to customers upon request.

Ohio

OH HB 217 (2007, enacted, Chapter No. 43) - Gives exclusive authority to the Director of Agriculture to regulate the provision of food nutrition information in food service establishments. "Food nutrition information" includes the caloric, fat, carbohydrate, cholesterol, fiber, sugar, potassium, protein, vitamin, mineral and sodium content of food. No other political subdivision shall have the authority to enact or adopt local legislation relating to the provision of food nutrition information at food service operations.

OH HB 423 (2005, proposed) - Would have required restaurants, which are part of a chain having 10 or more locations nationally and 5 or more locations in Ohio, to list calories, saturated fat, trans fat, carbohydrates, and sodium on the menu or menu board for standard menu items as usually prepared and offered for sale.

Oklahoma

OK SB 1309 (2006, proposed) - The 'Oklahoma Nutrition Information Act' would have required chain restaurants having five or more locations within Oklahoma to provide nutrition information (calories, fat, carbohydrates, sodium, and protein) for all standard menu items in a printed form that the customer may keep. Would also have required posting a sign on the premises advising that nutrition information concerning standard menu items is available upon request.

Oregon

OR H 2726 (2009, enacted, signed by Governor) - Requires chain restaurants with 15 or more locations to make nutritional information on all menu items, including, calories, saturated fat, trans fat, carbohydrates and sodium, available to customers and to display a sign to let customers know that this information is available upon request. Authorizes imposition of civil penalty for violation of nutritional provisions that remains uncorrected following opportunity to correct violation without penalty.

Pennsylvania

PA HB 375 (2005, proposed) - Would have required food establishments associated with a chain of 20 or more

locations nationally to provide nutrition information on menus similar to the categories of nutrition information provided on packaged foods sold in grocery stores.

Puerto Rico

P. Del S. 2601 (2004, proposed) - Would have required any national chain or franchise restaurant with one or more outlets operating in Puerto Rico or any local chain with 5 or more outlets to provide nutrition information, including calories, saturated fat plus trans fat, carbohydrates and sodium for food items listed on menus.

South Carolina

SC HB 4707 (2008, proposed) Would require Greenville County public schools to publish nutrition information for all food service options when disseminating information that includes school menu options.

SC SB 109 (2007, proposed) - Would require retail food establishments that serve food containing trans fat or that use trans fat in food preparation to post a placard provided by the department of health and environmental control indicating the use of trans fat in foods.

SC SB 350 (2007, proposed) - Would require that any food that is cooked in or contains trans fat that that is sold at a retail food establishment possess a conspicuous warning, regarding the trans fat, on the food's outer packaging. For prepared food cooked in or containing trans fat, would require retail food establishments to place conspicuous warnings throughout the establishment regarding the trans fat.

Texas

TX SB 35 (2007, proposed) - Would require state agencies purchasing food for consumption in public cafeterias to give preference to contractors who provide foods of higher nutritional value and do not provide foods containing trans fatty acids.

TX HB 3153 (2003, proposed) - Would have required chain restaurants to provide a pamphlet with information including total fat.

Tennessee

TN HB 950/SB 1092 (2010, enacted, Public Chapter 614) - Requires the Department of Health to take primary responsibility for implementing and supervising any federally mandated requirement that regulates food nutritional information on menus at food service establishments, if the federal action specifically authorizes state departments to enforce requirements. The law prohibits local regulation of menus at food service establishments.

TN HB 22/SB 40 (2007, proposed) - Would require restaurants to include on menus disclosure as to which foods contain trans fat and a general warning as to the health dangers of trans fat.

Vermont

VT HB 887 (2008, enacted, Chapter No. 203) - Requires the Department of Health, the Vermont hospitality council, the American Heart Association and representatives of the food service industry to develop proposed labeling to inform consumers of healthy nutritional choices in food service facilities, including the presence of trans fats. In addition, the Department will develop recommendations to eliminate artificial trans fats in prepared foods by 2011.

VT HB 477 (2007, proposed) - Proposes to require chain restaurants to post nutritional information for all food sold.

VT HB 327 (2005, proposed) - Would have required chain restaurants with 20 or more locations nationally to list nutrition information for all standard menu items. On printed menus, this information would have included total number of calories, saturated fat, carbohydrates, and sodium per serving. On menu boards, the total number of calories per serving would be listed adjacent to each item, and information about saturated fat and trans fat, carbohydrates, and sodium would be made available to customers in writing upon request.

Washington

WA SB 6505 (2008, proposed) - Would require chain food restaurants to label food with nutrition information. Would authorize the Department of Health to implement and enforce rules relating to nutrition labeling in chain food establishments.

WA SB 6659 (2008, proposed) - Would require that covered food service establishments make nutrition information available to customers for each standard food item, including total calories, total fat, saturated fat, trans

fat, total carbohydrates, and the sodium content in each serving. The information would be available in the menu or other writing at the point of sale, a counter or table tent, on standard food item packaging, in a tray liner, on a poster, a brochure or other printed material or on an electronic medium such as an electronic kiosk.

WA SB 6786/HB 3160 (2008, proposed) - Proposes the formation of a legislative task force on menu labeling. The task force would be appointed by the president of the senate and the speaker of the house and would be required to study current efforts on menu labeling around the state and nation including systems for estimating actual nutrition information, health impacts of menu labeling, cost and impact to the restaurant industry, and alternatives to current approaches. The task force would report its findings and recommendations for providing nutritional information to customers in food service settings to the appropriate committees of the legislature by December 1, 2008.

West Virginia

WV SB 595 (2008, enacted, Act. No 72) - Identifies illiteracy as a barrier to the ability of students to understand information on food labels and other nutrition information such that they are capable of making sound decisions necessary to establish and maintain healthy lifestyles.

Other trans fat information:

As of January 2006, the Food and Drug Administration requires trans fat content to be listed on the Nutrition Facts panel on all food labels.

A number of municipalities in addition to New York City have proposed trans fat bans or asked restaurants to voluntarily switch to trans-fat free cooking oils as of August 2008. The list, which may not be complete, includes the following cities:

Tiburon, California - There has been a voluntary switch to trans fat free oils by all of the city's restaurants.

Baltimore - The city enacted and is phasing in a ban on trans fat for foods prepared in restaurants.

Boston - The city will begin enforcing a city-wide ban on the use of trans fats in restaurants and bakeries in November of 2008.

Chicago - A proposed ordinance currently under consideration would ban use of partially hydrogenated oils for cooking in Chicago restaurants.

Cleveland - A voluntary plan is proposed.

Los Angeles - A voluntary plan was proposed; deferred to legislative action.

New York - As of July 1, 2008, New York City will prohibit all food vendors from cooking with trans fats. Fines of up to \$2,000 will be assessed for violations.

Philadelphia - A municipal ordinance was enacted to ban trans fat in city restaurants.

Seattle - King County has banned artificial trans fat in restaurant foods.

[Health Menu Page](#) | [Public Health Menu Page](#)

Denver Office

Tel: 303-364-7700 | Fax: 303-364-7800 | 7700
East First Place | Denver, CO 80230

Washington Office

Tel: 202-624-5400 | Fax: 202-737-1069 | 444 North Capitol
Street, N.W., Suite 515 | Washington, D.C. 20001

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Obesity care costs double previous estimates

Study: Medical bills total \$168 billion

By MIKE STOBBE • Associated Press • October 17, 2010

ATLANTA -- Nearly 17 percent of U.S. medical costs can be blamed on obesity, according to new research that suggests the nation's weight problem may have twice the impact as previously estimated.

One expert acknowledged that past estimates likely low-balled the costs and said the new study -- which places obesity-related medical costs at around \$168 billion -- probably is closer to the truth.

"I think these are the most recent and perhaps statistically sound estimates that have come out to date," said Kenneth Thorpe, a health policy researcher at Emory University who has focused on the cost of health care.

The new research by John Cawley of Cornell University and Chad Meyerhoefer of Lehigh University was released by the National Bureau of Economic Research, a nonprofit, nonpartisan research group.

An influential study released last year -- cited by federal officials -- estimated that obesity-related medical costs have reached \$147 billion, or 9 percent of total medical costs.

The earlier study also estimated that obesity adds about \$1,400 to a person's annual medical bills. The new study suggests the added cost is double that, exceeding \$2,800.

Cawley and Meyerhoefer used a database that other obesity researchers have used -- a federal survey of U.S. citizens and their doctors and other medical providers, which is considered the most complete information on the cost and use of health care in the country.

The new study looked at information on nearly

24,000 non-elderly adult patients from 2000 through 2005. Results were reported in 2005 dollars.

Why did Cawley and Meyerhoefer come up with larger estimates?

- Past studies have relied just on self-reported weight, and many people understate their actual weight. The new research made statistical adjustments to come up with what are believed to be truer figures.

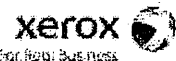
- The authors tried to better establish that excess weight was a cause for the medical costs. Previous studies stopped short of saying obesity caused the costs because there was too great a chance other factors could be responsible. Cawley and Meyerhoefer tried to overcome that problem by also looking at the weight of study subjects' relatives to determine if obesity ran in the family. If so, they labeled the medical costs of a fat person in that family to be caused by obesity.

"It's hard to find conditions that aren't worsened or made more expensive by obesity," Cawley said.



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Obesity weighing heavier on nation

Despite efforts to turn the tide, obesity remains a significant health problem in this country. A recent study by the Trust for America's Health and the Robert Wood Johnson Foundation shows that obesity rates increased in 28 states last year, including Delaware.

According to the report, "F as in Fat: How Obesity Threatens America's Future 2010," Mississippi has the highest rate of adult obesity at 33.8 percent. Colorado has the lowest rate at 19.1 percent and is the only state with a rate less than 20 percent of obese adults.

Alabama and Tennessee tied for second place as fat test state. The rest of the top 10 included West Virginia, Louisiana, Oklahoma, Kentucky, Arkansas and South Carolina, with Michigan and North Carolina tying for 10th place.

Delaware was named the 20th most obese state, with an adult rate of 27.9 percent, a 0.5 percent increase since the last study.

As a nation, we've increased our waistlines dramatically over the past two decades. In 1991, no state had an obesity rate above 20 percent. Today, more than two-thirds have adult obesity rates above 25 percent.

Mississippi also has the highest rates of physical inactivity and high blood pressure. It also has the second highest rate of diabetes, confirming the link between obesity and illness.

There are disparities among racial and ethnic groups. Adult obesity rates for blacks and Latinos are higher than for whites in at least 40 states and the District of Columbia.

Delaware ranks No. 9 nationally for obesity rates in blacks, with a 40.6 percent rate of obesity in this population, significantly higher than the state's overall rate of 27.9 percent.

Income is strongly re-

lated to obesity rates.

More than 35 percent of adults bringing in less than \$15,000 a year were obese, compared with 24.5 percent in the over-\$50,000 income bracket.

For children, state-specific obesity rates ranged from a low of 9.6 percent in Oregon to a high of 21.9 percent in Mississippi.

In Delaware, the obesity rate for children ages 10-17 was 13.3 percent. For high school students, it was slightly higher at 13.7 percent.

For the first time, the report included a survey aimed at parents.

Eight out of 10 respondents believe that childhood obesity is a serious health threat.

However, there seems to be a disconnect with how they view their own child's weight.

Too many parents - 84 percent - believe their chil-

dren are at a healthy weight. This is higher than it should be, given that nearly a third of children are overweight or obese.

Numerous things need to occur to solve the obesity epidemic. Greater access to obesity interventions and educational programs for adults and children is sorely needed.

Most insurance companies do not reimburse for nutrition counseling for obesity provided by a licensed nutritionist. This needs to change.

Governmental policies related to increased physical education in schools and nutritional standards for school meals are another part of the solution.

Environmental and policy changes are also needed to increase access to healthy foods, limit the marketing of nutrient-poor foods, promote active transportation (such as bicycling and walking) and provide increased access to recreation facilities.

Marianne Carter, a registered dietitian and director of the Delaware Center for Health Promotion, has a nutrition program.



weigh in
MARIANNE
CARTER



October 8, 2009

Swapping sugar bombs for healthy eats

School districts push to curb childhood obesity, change lifestyles

By JENNIFER PRICE
The News Journal

Birthday cupcakes are a thing of the past at Forest Oak Elementary School in Stanton.

So are candy bars and regular sodas at the concession stand at Woodbridge High School football games in Bridgeville.

In an effort to curb climbing childhood obesity rates, some Delaware schools are starting to offer healthier options not just in their school cafeterias but also in their concession stands, vending machines and school fundraisers as well as at classroom parties.

"As a school system, we need to contribute to battling childhood obesity and the inherent medical problems that come with that," Woodbridge Superintendent Kevin Carson said.

Delaware schools aren't alone: A survey published this week by the Centers for Disease Control and Prevention found fewer secondary schools in the United States are selling less nutritious foods and beverages, such as candy and soda, in vending machines and school stores, canteens and snack bars.

The First State was among the 34 states that collected data in 2006 and 2008. Among those states, the median percentage of secondary schools that did not sell soda or fruit drinks that are not 100 percent juice increased from 38 percent to 63 percent, according to the CDC report. The median percentage of secondary schools that did not sell candy or salty snacks not low in fat increased from 46 percent to 64 percent.

School leaders are seeking changes for a reason: According to the 2006 Delaware Survey of Children's Health, 37 percent of children ages 5 to 17 are overweight or obese.

Carson started reform in his district three years ago when he removed sugary sodas, lemonade and sports drinks from the district's vending machines.

"A 12-ounce can of regular soda has 10 teaspoons of sugar in it. That's pretty dramatic," he said.

When someone would complain about the lack of soda, Carson would point to a test tube sitting on his desk filled with 10 teaspoons of sugar and tell them, "Every time you drink one of those, this is how much sugar you're drinking."

Next on Carson's list was replacing the machines' candy and potato chips with granola bars, pretzels and whole wheat crackers.

When he decided to make similar changes at the football concession stand, Dawn Tomeski fretted.

"Initially, we were worried that the changes would affect the proceeds," said Tomeski, who ran the concession stand. "At the first couple of games, people were shocked, but they eventually came around."

In addition to baked chips, diet soda and bottled water, the stand serves grilled chicken sandwiches, whole wheat soft pretzels, ground turkey tacos and carrots and dip. The proceeds benefit the school's band.

A difficult task

The Delmar School District also has started offering healthier choices at its concession stand. Cheeseburgers are made with lean ground beef and low-fat cheese and served on whole wheat buns. Instead of regular potato chips, baked chips and 100-calorie packs of other snacks are sold.

Ilah Preston, who runs the concession stand at Delmar football games, tried eliminating sodas and just selling bottled water, but "it didn't go over so well," she said. "People were shocked that I didn't have any soda."

Terri Addlesberger, Delmar's nutrition supervisor, wishes she could sell only healthy options but said profits would decline if they stopped selling some of the traditional concession stand food.

"I probably would be lynched if I took away the french fries," she said. "There's something about Friday night football games and fries covered with cheese. It's just how it is."

Nancy Nadel, school nurse at Red Clay Consolidated's Forest Oak Elementary, said gearing the school toward healthier eating has been a difficult process.

When she stopped allowing parents to bring in cupcakes to celebrate their children's birthdays, some complained, arguing that special occasions call for special treats.

"Have you seen the cupcakes? They're like on steroids. It's way too much," she said. "And when you have 25 kids in a class, there can be several birthdays a month."

Nadel suggests parents bring in fresh vegetables and a low-fat dip, fresh fruit, animal crackers or low-fat popcorn.

"When children eat food that is high in sugar, their energy level peaks and then drops very drastically so their attention span drops. And their mind wanders because their stomach is empty, and they are hungry," said Huida Russell, the state's director of the school nutrition program.

Cape Henlopen's Milton Elementary School has made changes to its classroom holiday and birthday parties, too.

"At every party, you would have 100 cupcakes, brownies, chips and soda. Everything was junk food," said Kathy Capozzoli, Milton's school nurse.

Teachers now assign students with specific items to bring to holiday parties, such as carrots and celery, fruit and cheese and crackers. One baked good is allowed.

Earlier this month, Kari Long of Milton brought in strawberries for her daughter's birthday.

"She had cupcakes at her birthday party with her friends, and she had a cake when we celebrated as a family. I don't think she needs cake three times during her birthday," Long said.

Untying reinforcements, food

Milton also has made changes to its program that supports positive behavior. In the past, if students had good behavior, they'd receive a "Cool Kid Coupon" that they would trade in for candy, ice cream or a soda.

"Everything was reinforced through something edible," said Capozzoli. "But we finally said we can't do this because our goal is to educate families and children on proper nutrition and healthy lifestyles. It was going against everything we were trying to accomplish."

Students now turn their coupons in for pencils or jump ropes.

In addition to their homework in their academic classes, all students are required to do a minimum of 15 minutes of physical activity a night. Students receive a coupon for each night they do an activity, and they can enter them in a drawing for items such as a bicycle, Hula-Hoop, basketball or Boogie Board.

Sweets also used to be a big part of the school's fundraisers.

"We would have about one bake sale a week. It was ridiculous," Capozzoli said.

Now when students want to raise money to go on field trips, they sell school supplies or toys.

"There are better ways to raise money that don't add to the childhood obesity epidemic," said Dave Nichols, a senior program and policy analyst at Nemours Health and Prevention Services.

Other schools have done away with fundraisers that sell pizza, cookie dough and candy.

Woodbridge schools sell flowers on Valentine's Day and hold an annual car wash, Carson said.

Cedar Lane and Olive B. Loss elementary schools in Appoquinimink have a walk-a-thon, and Waters Middle School, also in Appoquinimink, is hosting a 5K run and walk next week.

"You're not just changing what they are eating," Capozzoli said. "You are changing lifestyles."

DELAWARE SCHOOLS

2006: Percentage in which students can't buy ...

... candy or salty snacks 49.3

... soda or fruit drinks 54.6

... sports drinks 32.4

2008: Percentage in which students can't buy ...

... candy or salty snacks 64

... soda or fruit drinks 80.5

... sports drinks 42

Source: The Centers for Disease Control and Prevention
