



## Sample Legislation to Ban Trans Fat From Restaurants

### Foods containing artificial trans fat.

(a) **Artificial trans fat restricted.** No 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 as defined in (*Insert City/State appropriate health code*) Code or successor provision, except food that is being served directly to patrons in a manufacturer's original sealed package.

(b) **Definition.** For the purposes of this section, a food shall be deemed to contain 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. However, a food 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 shall not be deemed to contain artificial trans fat.

### (c) **Labels required.**

(1) **Original labels.** Food service establishments shall maintain on site the original labels for all food products:

(i) that are, or that contain, fats, oils or shortenings, and

(ii) that are, when purchased by such food service establishments, required by applicable federal and state law to have labels, and

(iii) that are currently being stored, distributed, held for service, used in preparation of any menu items, or served by the food service establishment.

(2) **Documentation instead of labels.** Documentation acceptable to the Department, from the manufacturers of such food products, indicating whether the food products contain vegetable shortening, margarine or any kind of partially hydrogenated vegetable oil, or indicating trans fat content, may be maintained instead of original labels.

(3) **Documentation required when food products are not labeled.** If baked goods, or other food products restricted pursuant to subdivision (a) of this section, that are or that contain fats, oils or shortenings, are not required to be labeled when purchased, food service establishments and mobile food commissaries shall obtain and maintain documentation acceptable to the Department, from the manufacturers of the food products, indicating whether the food products contain vegetable shortening, margarine or any kind of partially hydrogenated vegetable oil, or indicating trans fat content.

(d) **Implementation and Enforcement.** The department of public health and the local boards of health within their respective jurisdictions shall enforce the provisions of this section. The department of public health shall make rules and regulations to secure proper enforcement of this section. Any person who violates any rule or regulation duly adopted and promulgated by said department of public health pursuant to this section shall be punished by a fine of not less than \$25 and not more \$1,000.

(e) **Effective date.** This section shall take effect 6 months after enactment of this Act with respect to oils, shortenings and margarines containing artificial trans fat that are used for frying or in spreads; except that the effective date of this section with regard to oils or shortenings used for deep frying of yeast dough or cake batter, and all other foods containing artificial trans fat, shall be effective 12 months from date of enactment of this Act.