

HOUSE BILL 51

By Gilmore

AN ACT to amend Tennessee Code Annotated, Title 53
and Title 68, relative to trans fats in food.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 14, Part 3, is amended by adding the following as a new, appropriately designated section:

Section 68-14-328.

(a) 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 or by any quick fast food establishment, as defined in § 68-14-701, except food that is being served directly to patrons in a manufacturer's original sealed package.

(b) 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)

(1) Food service establishments and quick fast food 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 or quick fast food 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, or by the quick fast food establishment.

(2) 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) If baked goods, or other food products restricted pursuant to subsection (a) above, that are or that contain fats, oils or shortenings, are not required to be labeled when purchased, food service establishments and quick fast food establishments 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) This section shall take effect on July 1, 2009 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 July 1, 2010.

(e) A first violation of the provisions of this section shall subject the establishment to penalties pursuant to the provisions of this part. In addition to any other sanction or remedy available under law, a second or subsequent violation of the

provisions of this part shall subject the violating establishment to the revocation of the violator's permit pursuant to § 68-14-308.

SECTION 2. Tennessee Code Annotated, Title 53, Chapter 8, Part 2, is amended by adding the following as a new section:

Section 53-8-223.

(a) 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, except food that is being served directly to patrons in a manufacturer's original sealed package.

(b) 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)

(1) 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 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) If baked goods, or other food products restricted pursuant to subsection (a) above, that are or that contain fats, oils or shortenings, are not required to be labeled when purchased, food service establishments 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) This section shall take effect on July 1, 2009 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 July 1, 2010.

(e) A first violation of the provisions of this section shall subject the establishment to penalties pursuant to the provisions of this part. In addition to any other sanction or remedy available under law, a second or subsequent violation of the provisions of this part shall subject the violating establishment to the revocation of the violator's permit pursuant to § 53-8-210.

SECTION 3. Except as otherwise provided by SECTION 1(d) or SECTION 2(d), this act shall take effect July 1, 2009, the public welfare requiring it.